

Michigan Register

Issue No. 19– 2002 (Published November 1, 2002)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

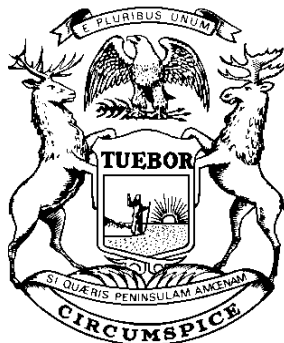
East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 19 — 2002

(This issue, published November 1, 2002, contains
documents filed from October 1, 2002 to October 15, 2002)

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John Engler, Governor



Dick Posthumus, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Department of Management and Budget, 1st Floor Ottawa, 611 West Ottawa, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.state.mi.us/orr

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director
Office of Regulatory Reform

2002 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
2002		
18	October 1, 2002	October 15, 2002
19	October 15, 2002	November 1, 2002
20	November 1, 2002	November 15, 2002
21	November 15, 2002	December 1, 2002
22	December 1, 2002	December 15, 2002
23	December 15, 2002	January 1, 2002
24	January 1, 2002	January 15, 2002
2003		
1	January 15, 2003	February 1, 2003
2	February 1, 2003	February 15, 2003
3	February 15, 2003	March 1, 2003
4	March 1, 2003	March 15, 2003
5	March 15, 2003	April 1, 2003
6	April 1, 2003	April 15, 2003
7	April 15, 2003	May 1, 2003
8	May 1, 2003	May 15, 2003
9	May 15, 2003	June 1, 2003
10	June 1, 2003	June 15, 2003
11	June 15, 2003	July 1, 2003
12	July 1, 2003	July 15, 2003
13	July 15, 2003	August 1, 2003

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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

ORR 2000-051

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on October 15, 2002.

These rules take effect on October 31, 2002.

(By authority conferred on the director of the department of consumer and industry services by section 4 of 1972 P.A. 230, MCL 125.1504, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 408.30101 to R 408.31194 of the Michigan Administrative Code are amended by adding R 408.30551 to R 408.30577 as follows:

REHABILITATION CODE

R 408.30551 Applicable code.

Rule 551. The international existing building code, hereinafter referred to as "the code," 2003 final draft, dated August 2001, is adopted by reference, as provided in MCL 24.232, as the "Michigan rehabilitation code for existing buildings" with the exception of sections 104.8, 108.2 through 108.6, 112.2, 112.3, 114.3, 506.1.1 through 506.2, and 1005.1.1 through 1005.1.5, and as otherwise noted in these rules. The international existing building code, 2003 final draft, dated August 2001, is available for inspection at the Okemos office of the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes. The international existing building code, 2003 final draft, dated August 2001, may be purchased from the Building Officials and Code Administrators International, Incorporated, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, or the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of \$17.00.

R 408.30552 References to international codes.

Rule 552. All references to the code, international electrical code, international energy code, international residential code, international mechanical code, and international plumbing code in the international existing building code shall mean the Michigan building code, Michigan electrical code, Michigan uniform energy code, Michigan residential code, Michigan mechanical code and Michigan plumbing code, respectively.

R 408.30553 Title.

Rule 553. Section 101.1 of the code is amended as follows:

101.1 Title. These rules shall be known as the Michigan rehabilitation code for existing buildings, hereinafter referred to as "this code."

R 408.30554 Scope.

Rule 554. Section 101.2 of the code is amended as follows:

101.2 Scope. The provisions of this code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. A building or portion of a building which has not been previously occupied or used for its intended purpose shall comply with the provisions of the Michigan building code for new construction. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the Michigan building code, the Michigan electrical code, the Michigan residential code, the Michigan mechanical code, and the Michigan plumbing code shall be considered to be in compliance with this code.

R 408.30555 Intent.

Rule 555. Section 101.3 of the code is amended as follows:

101.3 Intent. The purpose of this code is to encourage the continued use and reuse of legally existing buildings and structures through alternative compliance methods. These provisions are intended to improve the public health, safety, and welfare in existing buildings insofar as they are affected by the repair, alteration, change in occupancy, addition, and relocation of existing buildings.

R 408.30556 Compliance.

Rule 556. Section 102.4.2 of the code is amended as follows:

102.4.2 Compliance. Compliance with the structural provisions of the Michigan building code, 1999 national building code, or 1997 uniform building code shall be deemed to exceed or be equivalent to the structural provisions of this code.

R 408.30557 “Building official” defined.

Rule 557. Section 103.2 of the code is amended as follows:

103.2 “Building official” means the person who is appointed and employed by a governmental subdivision charged with the administration and enforcement of the state code or codes and who is registered in accordance with the requirements of 1986 P.A. 54, MCL 338.2301 et seq. Where used in this code, the term code official means “building official”.

R 408.30558 Preliminary meeting.

Rule 558. Section 104.2.1 of the code is amended as follows:

104.2.1 Preliminary meeting. When requested by the owner or owner’s agent, the building official shall meet with the owner or the owner’s agent to discuss plans for the proposed work or change of occupancy before the application for a construction permit in order to establish the specific applicability of the provisions of this code. The building official shall notify the appropriate fire official of the meeting.

Exception: Repairs, and alterations level 1 and level 2.

R 408.30559 Preliminary review.

Rule 559. Section 104.2.2 of the code is amended as follows:

104.2.2 Preliminary review. When a building permit is required by the code, the owner or owner’s agent may request a review of preliminary construction documents to determine compliance with this code.

R 408.30560 Annual permit.

Rule 560. Sections 105.1.1 and 105.1.2 of the code are amended as follows:

105.1.1 Annual permit. In place of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the enforcing agency is authorized to issue an annual permit upon application therefor to any person, firm, or corporation. The applicant shall be licensed in accordance with the requirements of 1956 P.A. 217, MCL 338.881 et seq., 1984 P.A. 192, MCL 338.971 et seq., or 1929 P.A. 266, MCL 338.901 et seq.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

R 408.30561 Work exempt from permit.

Rule 561. Section 105.2 of the code is amended as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

(a) Building, as follows:

- (i) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
- (ii) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (iii) Temporary motion picture, television and theater stage sets and scenery.
- (iv) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- (v) Window awnings supported by an exterior wall of group R-3 or group U occupancies.
- (vi) Movable cases, counters and partitions.

(b) Electrical, as follows:

- (i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (ii) Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply and to the installations of towers and antennas.
- (iii) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Gas, as follows:

- (i) Portable heating appliance.
- (ii) Replacement of any minor part that does not alter approval or equipment or make equipment unsafe.

(d) Mechanical, as follows:

- (i) Portable heating appliance.
- (ii) Portable ventilation equipment.
- (iii) Portable cooling unit.
- (iv) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
- (v) Replacement of any part which does not alter its approval or make it unsafe.
- (vi) Portable evaporative cooler.
- (vii) Self-contained portable refrigeration units not more than 1.5 horsepower.

(e) Plumbing, as follows:

- (i) The stopping of leaks in drains, water, soil, waste or vent pipe; however, if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the trap,

drainpipe, or waste or vent pipe with new material, then the work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

R 408.30562 Submittal of documents.

Rule 562. Section 106.1 of the code is amended as follows:

106.1 Submittal of documents. Construction documents, special inspection and structural observation programs, investigation and evaluation reports, and other data shall be submitted in 1 or more sets with each application for a permit. The construction documents shall be prepared by or under the direct supervision of a registered design professional when required by article 20 of 1980 P.A. 299, MCL 339.101 et seq. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R 408.30563 Fire flow requirements.

Rule 563. Section 106.1.1.2 of the code is amended as follows:

106.1.1.2 Fire flow requirements. The application for permit shall be accompanied by an evaluation of the available fire flow at the building utilizing the existing fire hydrants on the site, public streets, and adjacent sites in accordance with the provisions of section B105 of appendix b of the international fire code.

R 408.30564 Temporary power.

Rule 564. Section 107.3 of the code is amended as follows:

107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before the installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the Michigan electrical code.

R 408.30565 Payment of fees.

Rule 565. Section 108.1 of the code is amended as follows:

108.1 Payment of fees. The fees prescribed by section 22 of 1972 P.A. 230, MCL 125.1501 et seq. shall be paid to the enforcing agency of the jurisdiction before a permit to begin work may be issued. In addition, an amendment to a permit necessitating an additional fee shall not be approved until the additional fee has been paid.

R 408.30566 Lowest floor elevation.

Rule 566. Section 109.3.3 of the code is amended as follows:

109.3.3 Lowest floor elevation. For additions and substantial improvements to existing buildings in flood hazard areas, the elevation certification required in the Michigan building code shall be submitted to the building official.

R 408.30567 Special inspections.

Rule 567. Section 109.3.8 of the code is amended as follows:

109.3.8 Special inspections. Special inspections shall be required in accordance with the Michigan building code.

R 408.30568 Altered area use and occupancy classification change.

Rule 568. Section 110.1 of the code is amended as follows:

110.1 Altered area use and occupancy classification change. An altered area of a building shall not be used or occupied, and a change in the existing occupancy classification of a building or portion thereof shall not be made until the building official has issued a certificate of occupancy in accordance with section 13 of 1972 P.A. 230, MCL 125.1501 et seq. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of the other ordinances of the jurisdiction.

R 408.30569 Certificate issued.

Rule 569. Section 110.2 of the code is amended as follows:

110.2 Certificate issued. After the building official inspects the building and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy, which shall contain all of the following information:

- (a) The building permit number.
- (b) The address of the structure.
- (c) The name and address of the owner.
- (d) A description of that portion of the structure for which the certificate is issued.
- (e) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (f) The name of the building official.
- (g) The edition of the code under which the permit was issued.
- (h) The use and occupancy in accordance with the provisions of the Michigan building code.
- (i) The type of construction as defined in the Michigan building code.
- (j) The design occupant load and any impact the alteration has on the design occupant load of the area not within the scope of the work.
- (k) If an automatic sprinkler system is provided, whether the sprinkler system is required.
- (l) Any special stipulations and conditions of the building permit.

R 408.30570 General.

Rule 570. Section 112.1 of the code is amended as follows:

112.1 General. Appeals shall be heard in accordance with the provisions of section 14 of 1972 P.A. 230, MCL 125.1501 et seq.

R 408.30571 Violation penalties.

Rule 571. Section 113.4 of the code is amended as follows:

113.4 Violation penalties. (1) It is unlawful for any person, firm, or corporation to violate a provision of this code or fail to conform with any of the requirements thereof, or erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause work to be performed or done in conflict with or in violation of the approved construction documents or directive of the enforcing agency or a permit or certificate issued under this code.

(2) A violator shall be assessed a fine in accordance with section 23 of 1972 P.A. 230, MCL 125.1501 et seq.

R 408.30572 Notice to owner.

Rule 572. Section 114.2 of the code is amended as follows:

114.2 Notice to owner. Upon notice from the enforcing agency, work on any building or structure that has been done contrary to this code or in a dangerous and unsafe manner shall immediately cease. Notice shall be in accordance with section 12 of 1972 P.A. 230, MCL 125.1501 et seq. A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions prescribed in section 23 of 1972 P.A. 230, MCL 125.1501 et seq.

R 408.30573 Design procedures and seismic forces.

Rule 573. Sections 407.1.1.1, 407.1.1.2, and 407.1.1.3 of the code are amended as follows:

407.1.1.1 Design procedures. The seismic design of existing buildings shall be based upon the procedures specified in the Michigan building code.

407.1.1.2 Level seismic forces. When seismic forces are required to meet the Michigan building code, they shall be based upon 100% of the values in the Michigan building code or FEMA 356, the standard of the Federal Emergency Management Agency, which is adopted in these rules by reference. The standard may be obtained from the Federal Emergency Management Agency, Federal Center Plaza, 500 C Street S.W., Washington DC 20472, at no cost or from the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864. This standard may be inspected at the Okemos office of the Michigan department of consumer and industry services. Where FEMA 356 is used, the FEMA 356 basic safety objective (BSO) shall be used for buildings in seismic use group I. For buildings in other seismic use groups, the applicable FEMA 356 performance levels shown in table 407.1.1.2 for BSE – 1 and BSE – 2 earthquake hazard levels shall be used.

407.1.1.3 Reduced level seismic forces. When seismic forces are required to meet reduced Michigan building code levels, they shall be based upon 75% of the assumed forces prescribed in the Michigan building code.

R 408.30574 Accessibility.

Rule 574. Section 506.1 of the code is amended as follows:

506.1 Accessibility. A building, facility, or element that is altered shall comply with the requirements of 1966 P.A. 1, MCL 125.1351 et seq. and the applicable provisions of chapter 11 of the Michigan building code, R 408.31101 et seq.

R 408.30575 High-rise buildings.

Rule 575. Section 702.1 of the code is amended as follows:

702.1 High-rise buildings. Any building having 1 or more occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of sections 702.1.1 through 702.1.2.

Exception: The provisions of sections 702.1.1 and 702.1.2 shall apply to buildings having occupied floor levels more than 75 feet above the lowest level of fire department vehicle access where the local unit of government has complied with the provisions of section 403.1 of the Michigan building code, exception 6.

R 408.30576 Accessibility requirements.

Rule 576. Sections 806.1, 812.5, and 1005.1 of the code are amended as follows:

806.1 General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with the provisions of R 408.30574.

812.5 Accessibility. Existing buildings or portions thereof that undergo a change of occupancy shall comply with the provisions of R 408.30574.

1005.1 Accessibility requirements. The provisions of R 408.30574 shall apply to buildings and facilities designated as historical structures that undergo a change of occupancy.

R 408.30577 Applicability.

Rule 577. Section 1201.2 of the code is amended as follows:

1201.2 Applicability. Structures existing before November 6, 1974, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of chapter 12 of the code or the provisions of chapters 4 through 10 of the code. The provisions in sections 1201.2.1 through 1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, and S. The provisions of this rule shall not apply to buildings with occupancies in group H or I.

ADMINISTRATIVE RULES

2002-012

DEPARTMENT OF TREASURY

HIGHER EDUCATION ASSISTANCE AUTHORITY

MICHIGAN EDUCATION TRUST

Filed with the Secretary of State on October 15, 2002.

This rule takes effect 7 days after filing with the Secretary of State

(By authority conferred on the board of directors of the Michigan education trust by section 11 of 1986 PA 316, MCL 390.1431.)

R 390.1801 of the Michigan Administrative Code is amended as follows:

R 390.1801 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Academic year" means the undergraduate school year consisting of 2 semesters or 3 terms or quarters beginning the first semester, term, or quarter after July 15 of any year.
- (b) "Act" means 1986 PA 316, MCL 390.1421 et seq.
- (c) "Annual undergraduate tuition cost" means a figure determined by dividing the total in-state, undergraduate tuition collected by a particular state institution of higher education for a year by the total number of in-state, undergraduate, fiscal year equated students at that particular school for that year.
- (d) "Application" means a request for acceptance into the trust made on a form, or a duplicate of a form, approved by the trust.
- (e) "Application fee" means a fee paid to the trust upon application.
- (f) "Average tuition cost" means a figure determined by adding the annual undergraduate tuition cost at each state institution of higher education and dividing that result by the total number of state institutions of higher education.
- (g) "Beneficiary" means an individual who is designated as a beneficiary in a contract with the trust. The beneficiary shall be a resident as defined in this rule when the contract is submitted to the trust.
- (h) "Community or junior college" means an educational institution described in 1963 Mich. Const., Art. VIII, section 7.
- (i) "Contract" means any 1 of the following Michigan education trust contracts:
 - (i) Full benefits plan contract offered in 1988.
 - (ii) Limited benefits plan contract offered in 1988.
 - (iii) Community college plan contract offered in 1988.
 - (iv) Any other contract to provide educational benefits approved by the board.
- (j) "Contract processing fee" means a fee paid for the processing of a contract.

- (k) "Disabled" or "disability" means a limitation of an individual's learning ability that results from an injury or disease which renders the individual incapable of participating in higher education.
- (l) "Escrow account" means an account called an escrow account in any contract.
- (m) "Higher education institution" means a public educational institution, an independent, degree-granting college or university, or an out-of-state institution of higher education.
- (n) "Immediate family" has one of the following meanings:
 - (i) For contracts issued in the years 1988 through 1996, the term means any of the following:
 - (A) The purchaser or any of the following relations of the purchaser:
 - (1) A spouse.
 - (2) A child.
 - (3) A stepchild.
 - (4) An adopted child.
 - (5) A grandchild.
 - (6) A niece or nephew.
 - (7) A ward.
 - (B) Any of the following relations of the beneficiary:
 - (1) A brother or sister.
 - (2) A stepbrother or stepsister.
 - (3) A cousin of the first degree.
 - (4) A mother or father.
 - (C) Another person designated by the board to be a member of the immediate family.
 - (ii) For contracts issued after the year 1996, the term means any of the following relations of the beneficiary:
 - (A) A spouse.
 - (B) A mother or father.
 - (C) A brother or sister.
 - (D) A legally adopted brother or sister.
 - (E) A child.
 - (F) A legally adopted child.
 - (G) A spouse's child.
 - (H) A niece or nephew.
 - (I) A cousin of the first degree.
- (o) "Independent, degree-granting college or university" has either of the following meanings:
 - (i) For contracts issued in the years 1988 through 1996, the term means a nonpublic, associate or baccalaureate degree-granting institution of higher education approved by the state board of education and located in this state.
 - (ii) For contracts issued after the year 1996, the term means a nonprofit, nonpublic, associate or baccalaureate degree-granting institution of higher education approved by the state board of education and located in this state.
- (p) "In-district tuition rate" means the tuition rate charged a student who meets the in-district residency requirements established by a particular community or junior college.
- (q) "In-state tuition rate" means the tuition rate charged a student who meets the in-state residency requirements of a particular state institution of higher education.
- (r) "Item" means any of the categories listed and numbered on the signature page of a contract.
- (s) "Lowest tuition cost" means the lowest annual tuition rate charged freshmen, sophomores, juniors, or seniors among all annual tuition rates at any state institution of higher education.

- (t) "Mandatory fee" means any fee, other than charges for credit hours, room, and board, which an educational institution requires all students to pay.
 - (u) "New beneficiary" means an individual who is an immediate family member to whom contract rights have been transferred.
 - (v) "Out-of-state institution of higher education" has either of the following meanings:
 - (i) For contracts issued in the years 1988 through 1996, the term means a baccalaureate degree-granting college or university located outside this state.
 - (ii) For contracts issued after the year 1996, the term means a nonprofit, baccalaureate degree-granting college or university located outside this state.
 - (w) "Person" means an individual who is a resident of the United States or a partnership, trust, association, corporation, or governmental subdivision organized or existing under the laws of the United States or any state of the United States.
 - (x) "Plan" means any group of contracts so identified by the trust as a plan.
 - (y) "Prepaid tuition amount" means the dollar amount paid for a contract, but does not include an application fee and any contract processing fee set forth in the contract.
 - (z) "Public educational institution" means a state institution of higher education or a community or junior college.
 - (aa) "Purchaser" means the person designated in a contract who makes, or is obligated to make, advance tuition payments pursuant to a contract. The purchaser, if a natural person, shall be 18 years of age or older or a trustee or a designated custodian under the provisions of 1959 PA 172, MCL 554.451 et seq., or be represented by a court-appointed or approved conservator or guardian.
 - (bb) "Resident" means an individual who is domiciled in, or whose state of legal residence is, this state.
 - (cc) "Secured loan" means a single-purpose installment payment loan made by a third-party lender to a purchaser for the purpose of making the total contract price.
 - (dd) "Termination" means a discontinuance of the right to receive educational benefits under the contract.
 - (ee) "Third-party lender" means a savings institution, bank, credit union, or other party which is under contract with the trust to offer secured loans for the purchase of contracts.
 - (ff) "Third-party servicer" means a savings institution, bank, credit union, or other party under contract with the trust to service the receipt of contracts and contract payments.
 - (gg) "Total contract price" means the amount paid for a contract, including any contract processing fee set forth in the contract, but not including an application fee.
 - (hh) "Transfer" means moving all or a portion of the contract rights from the beneficiary to a new beneficiary.
 - (ii) "Tuition account" means an account established by the trust in the advance tuition payment fund to hold all monies to provide educational benefits or refunds for plan contracts. This account shall not be subject to a claim for payment by a third-party lender.
 - (jj) "Tuition charges" means the undergraduate quarter, term, semester, or trimester charges imposed to attend a higher education institution, including mandatory fees.
 - (kk) "Undergraduate fiscal year equated students" means a figure determined for each state institution of higher education by dividing 1/4 of the number of credit hours necessary to receive a 4-year baccalaureate degree at that state institution of higher education into the number of credit hours for which in-state undergraduate students were enrolled.
- (2) Terms defined in the act have the same meanings when used in these rules.

ADMINISTRATIVE RULES

ORR #2002-042

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on October 15, 2002.

This rule takes effect on October 31, 2002.

(By authority conferred on the director of the department of consumer and industry services by section 4 of 1972 P.A. 230, MCL 125.1504, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 408.30401 to R 408.30499 of the Michigan Administrative Code are amended by adding R 408.30429a as follows:

PART 4. BUILDING CODE

R 408.30429a Compliance.

Rule 429a. The code is amended by adding sections 3409.1 and 3409.2 as follows:

3409.1 Compliance. The provisions of this section are intended to maintain or increase the current degree of public safety, health, and general welfare in existing buildings while permitting repair, alteration, addition, and change of occupancy without requiring full compliance with chapters 2 through 33 of the code, or sections 3401.3 through 3406, except where compliance with other provisions of the code is specifically required in this section.

Exception: Buildings made to comply with the provisions of the Michigan rehabilitation code for existing buildings, R 408.30551 to R 408.30577, shall be deemed to comply with the requirements of the code.

3409.2 Applicability. Structures existing before November 6, 1974, in which work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this section or the provisions of sections 3402 through 3406 of the code.

The provisions in sections 3409.2.1 through 3409.2.5 of the code shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings that have occupancies in group H or I.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-027

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONTROLLED SUBSTANCES

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by sections 1978 PA 368 and Executive Reorganization Order No. 1996-2, MCL 333.7201, 333.7301, 333.7333, 333.16145, and 445.2001)

R 338.3101, R 338.3102, R 338.3104, R 338.3161, R 338.3162, R 338.3164, R 338.3165, R 338.3166, R 338.3167, and R 338.3168 of the Michigan Administrative Code are amended, and R 338.3162b , R 338.3162c R 338.3162d, and R 338.3162e are added to the Code as follows:

PART 1. GENERAL PROVISIONS

R 338.3101 Definitions; A to E.

Rule 1. As used in these rules:

- (a) "Act" ~~means Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.~~ 1978 PA 368, MCL 333.1101 ET SEQ.
- (b) "Deleterious drug" means a drug, other than a proprietary medicine, that is likely to be destructive to adult human life in quantities of ~~60 grains~~ 3.88 grams or less.
- (c) "Department" means the Department of Consumer and Industry Services.
- (d) "Electronic signature" MEANS AN ELECTRONIC SOUND, SYMBOL, OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH A RECORD AND EXECUTED OR ADOPTED BY A PERSON WITH THE INTENT TO SIGN THE RECORD. AN ELECTRONIC SIGNATURE ALSO is a unique identifier protected by appropriate security measures such that it is only available for use by the intended individual and ensures nonrepudiation so that the signature could not be rejected based on its validity.
- ~~(e) "Sign" means to affix a signature manually in the same manner as signing a check or legal document or to use an electronic signature, as defined in subdivision d of this rule.~~
- ~~(f) "Hearing" means a hearing that is held pursuant to the grant, denial, revocation, or suspension of a license issued under the act.~~

R 338.3102 Definitions; I to P.

Rule 2. (1) As used in these rules:

- (a) "Inventory" means all stocks in finished form of a controlled substance that is manufactured or otherwise acquired by a licensee,

whether in bulk or commercial containers or contained in pharmaceutical preparations in the possession of the licensee.

(b) “Licensee” means a person who is licensed pursuant to section 7303 of the act.

(C) “MICHIGAN AUTOMATED PRESCRIPTION SYSTEM (MAPS) CLAIM FORM” MEANS A FORM, TO BE DETERMINED BY THE DEPARTMENT, THAT IS IN THE FORMAT AND INCLUDES THE INFORMATION AS SPECIFIED BY THE AMERICAN SOCIETY FOR AUTOMATION IN PHARMACY (ASAP) AND CONTAINS THE INFORMATION SPECIFIED IN R 338.3162b.

(D) “NATIONAL DRUG CODE NUMBER (NDC)” MEANS AN 11-DIGIT, 3-SEGMENT NUMBER THAT IDENTIFIES THE LABELER/VENDOR, PRODUCT, AND PACKAGE SIZE AND IS ASSIGNED TO EACH DRUG PRODUCT LISTED UNDER SECTION 510, REGISTRATION OF PRODUCERS OF DRUGS AND DEVICES, OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(E) ~~(e)~~ “Officer” means a state, county, or local law enforcement officer who has a duty to enforce the laws of this state.

(F) “PATIENT IDENTIFIER” INCLUDES THE FOLLOWING INFORMATION ABOUT A PATIENT:

(I). FULL NAME.

(II). ADDRESS, INCLUDING ZIP CODE.

(III). DATE OF BIRTH.

(IV). SOCIAL SECURITY NUMBER.

(V). IF A PATIENT IS AN ANIMAL, THE OWNER’S SOCIAL SECURITY NUMBER.

(G) ~~(d)~~ “Prescriber” or “practitioner” means any of the following INDIVIDUALS ~~entities~~ who are licensed to prescribe by the laws of this state:

(i) A dentist.

(ii) A doctor of medicine.

(iii) A doctor of osteopathic medicine and surgery.

(iv) A doctor of podiatric medicine and surgery.

(v) A veterinarian.

(2) As used in part 5 of these rules:

(a) “Medical institution” means an inpatient health facility which is licensed or approved by the state and which directly or indirectly provides or includes pharmacy services.

(b) “Pharmacy services” means the direct and indirect patient care services associated with the practice of pharmacy.

R 338.3104 Definitions; R, S.

Rule 4. As used in these rules:

(a) “Readily retrievable” means a record which is kept in such a manner that it can be separated ~~out~~ from all other records within 48 hours and in which a listed controlled substance shall be marked with an asterisk, redlined, or in some other manner be visually identifiable apart from the other substances listed in the record.

(b) “Scientific investigator” means a person, other than a physician, who is licensed to conduct research with a controlled substance listed in schedules 1 to 5.

(C) “SIGN” MEANS TO AFFIX A SIGNATURE MANUALLY IN THE SAME MANNER AS SIGNING A CHECK OR LEGAL DOCUMENT OR TO USE AN ELECTRONIC SIGNATURE, AS DEFINED IN SUBDIVISION (D) OF R 338.3101.

~~(e)~~ (D) “Substance” means a controlled substance unless the context indicates otherwise.

PART 6. DISPENSING AND ADMINISTERING PRESCRIPTIONS

R 338.3161 Prescriptions.

Rule 61. (1) A prescription that is issued for a controlled substance shall be dated and signed when issued and shall contain all of the following information:

- (a) The full name and address of the patient for whom the substance is being prescribed.
- (b) The prescriber's DRUG ENFORCEMENT ADMINISTRATION (DEA) registration number, printed name, address and professional designation.
- (c) The drug name, strength, and dosage form.
- (d) The quantity prescribed. For a prescription received in writing, the prescription shall contain the quantity in both written and numerical terms. A written prescription is in compliance if it contains preprinted numbers representative of the quantity next to which is a box or line the prescriber may check.
- (e) The directions for use.
- (f) In addition, if the prescription is for an animal, then the species of the animal and the full name and address of the owner.

(2) ~~Where a written prescription is required,~~ A WRITTEN PRESCRIPTION FOR A CONTROLLED SUBSTANCE IN SCHEDULE 2-5 ~~the prescription~~ shall be written with ink or an indelible pencil, or prepared using a printer and shall be signed by the prescriber.

(3) ~~A prescription may be prepared by an agent of the prescriber~~ AN AGENT OF THE PRESCRIBER MAY PREPARE A PRESCRIPTION for the signature of the prescriber, but, pursuant to the act, the prescriber is liable if the prescription does not conform to these rules. A pharmacist who dispenses a controlled substance pursuant to a prescription not prepared in the form required by these rules is liable pursuant to the act.

(4) If the controlled substance prescription or order in a medical institution is issued pursuant to delegation under R 338.2304, R 338.2305, R 338.108a, or R 338.108b then the printed name of the delegatee, the licensure designation, the delegating prescriber, and the signature of the delegatee shall be on the written prescription. In medical facilities, orders shall contain the signatures of the delegatee and the printed name of the delegating prescriber.

(5) A prescription shall not be issued by a prescriber to obtain a stock of a controlled substance for the purpose of dispensing or administering the substance to patients.

R 338.3162 Dispensing by pharmacists, DELIVERY OF CONTROLLED SUBSTANCES.

Rule 62. (1) A controlled substance shall be dispensed by a pharmacist or a pharmacy intern in the presence, and under the immediate supervision, of a pharmacist.

(2) A PHARMACIST MAY REQUIRE IDENTIFICATION OF INDIVIDUALS TO WHOM CONTROLLED SUBSTANCES ARE DELIVERED.

(3) ~~(2)~~ Except as provided by R 338.3162a, a pharmacist may dispense a controlled substance which is listed in schedules 3 to 5 and which is a prescription drug pursuant to the provisions of the federal food, drug, and cosmetic act of 1991, 21 U.S.C. §201.100(b)(i) et seq., only pursuant to a written, electronically transmitted, or oral order of a prescriber that contains all of the required information under R 338.3161, except that the signature of the prescriber is not required if the controlled substance is obtained pursuant to an oral order.

(4) ~~(3)~~ If an oral order for a controlled substance listed in schedule 3 to 5 is transmitted by the prescriber's agent under delegation then all of the following shall be recorded on the prescription generated at the pharmacy:

- (a) The information required by R 338.3161.
- (b) The transmitting agent's identity.

- (c) The individual who received the prescription at the pharmacy.
- (5) (4) Only an order that is issued in the usual course of professional treatment or in the course of legitimate and authorized research is a prescription.

R 338.3162B ELECTRONIC SYSTEM FOR MONITORING SCHEDULE 2, 3, 4, AND 5 CONTROLLED SUBSTANCES.

RULE 62B. (1) A PHARMACIST, DISPENSING PRESCRIBER, AND VETERINARIAN LICENSED UNDER PART 177 WHO DISPENSES A CONTROLLED SUBSTANCE LISTED IN SCHEDULES 2 TO 5 OR A PHARMACY LICENSED BY THE STATE THAT DISPENSES IN THIS STATE OR DISPENSES TO AN ADDRESS IN THIS STATE A CONTROLLED SUBSTANCE LISTED IN SCHEDULES 2 TO 5 SHALL REPORT TO THE DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR BY MEANS OF AN ELECTRONIC DATA TRANSMITTAL PROCESS THE FOLLOWING INFORMATION FOR EACH PRESCRIPTION OF A SCHEDULE 2 TO 5 CONTROLLED SUBSTANCE PRESCRIPTION DISPENSED:

- (A) THE PATIENT IDENTIFIER, AS DEFINED IN R 338.3102 (F).
 - (B) THE NAME OF THE CONTROLLED SUBSTANCE DISPENSED.
 - (C) THE METRIC QUANTITY OF THE CONTROLLED SUBSTANCE DISPENSED.
 - (D) THE NATIONAL DRUG CODE NUMBER (NDC) OF THE CONTROLLED SUBSTANCE DISPENSED.
 - (E) THE DATE OF ISSUE OF THE PRESCRIPTION.
 - (F) THE DATE OF DISPENSING.
 - (G) THE ESTIMATED DAYS OF SUPPLY OF THE CONTROLLED SUBSTANCE DISPENSED.
 - (H) THE PRESCRIPTION NUMBER ASSIGNED BY THE DISPENSER.
 - (I) THE DEA REGISTRATION NUMBER OF THE PRESCRIBER AND THE DISPENSING PHARMACY.
 - (J) THE MICHIGAN LICENSE NUMBER OF THE DISPENSING PHARMACY.
- (2) A PHARMACIST, DISPENSING PRESCRIBER, OR VETERINARIAN MAY PRESUME THAT THE PATIENT IDENTIFICATION INFORMATION PROVIDED BY A PATIENT OR A PATIENT'S REPRESENTATIVE IS CORRECT.

R 338.3162C FORMAT FOR ELECTRONIC TRANSMISSION OF DATA; WAIVER.

RULE 62C. (1) A PHARMACIST, DISPENSING PRESCRIBER, OR VETERINARIAN WHO DISPENSES SCHEDULE 2 TO 5 CONTROLLED SUBSTANCES SHALL TRANSMIT THE DATA, AS SPECIFIED UNDER R 338.3162B, BY ONE OF THE FOLLOWING METHODS:

- (A) AN ELECTRONIC DEVICE COMPATIBLE WITH THE RECEIVING DEVICE OF THE DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR.
 - (B) A COMPUTER DISKETTE.
 - (C) A MAGNETIC TAPE OR CARTRIDGE.
 - (D) OTHER MEDIUM, AS APPROVED BY THE DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR.
- (2) THE DATA SHALL BE TRANSMITTED IN THE FORMAT ESTABLISHED BY THE AMERICAN SOCIETY FOR AUTOMATION IN PHARMACY (ASAP) TELECOMMUNICATIONS FORMAT FOR CONTROLLED SUBSTANCES.

(3) A PHARMACIST, DISPENSING PRESCRIBER, OR VETERINARIAN WHO DISPENSES CONTROLLED SUBSTANCES AND WHO DOES NOT HAVE AN AUTOMATED RECORD-KEEPING SYSTEM CAPABLE OF PRODUCING AN ELECTRONIC REPORT IN THE FORMAT ESTABLISHED BY SUBRULE (2) MAY REQUEST A WAIVER FROM ELECTRONIC REPORTING. THE REQUEST SHALL BE MADE IN WRITING TO THE DEPARTMENT.

(4) A PHARMACIST, DISPENSING PRESCRIBER, OR VETERINARIAN MAY BE GRANTED A WAIVER, IF HE OR SHE DEMONSTRATES AN INABILITY TO REPORT AS REQUIRED BY R 338.3162B AND HE OR SHE AGREES IN WRITING TO REPORT THE DATA TO THE DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR BY SUBMITTING A COMPLETED MAPS CLAIM FORM AS DEFINED IN R 338.3102(C) OR TRANSMITTING DATA VIA AN INTERNET WEB PORTAL THAT IS PROVIDED BY THE DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR FOR THIS PURPOSE.

R 338.3162D REQUIRED REPORTING OF PRESCRIPTION DATA; ERROR REPORTING.

RULE 62D. (1) A PHARMACIST, DISPENSING PRESCRIBER, OR VETERINARIAN SHALL REPORT ALL SCHEDULE 2 TO 5 CONTROLLED SUBSTANCES DISPENSED BEGINNING ON THE DATE THAT THESE AMENDATORY RULES TAKE EFFECT.

(2) THE DATA REQUIRED BY R 338.3162B SHALL BE FORWARDED BY ON-LINE TRANSMISSION COMPUTER DISKETTE, MAGNETIC TAPE OR CARTRIDGE, OR OTHER APPROVED MEDIUM, AS SPECIFIED IN R 338.3162C TO THE DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR AT LEAST EVERY 30 DAYS AND NO LATER THAN 15TH CALENDAR DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE PRESCRIPTION IS DISPENSED.

(3) FOR EACH PHARMACIST, DISPENSING PRESCRIBER, OR VETERINARIAN WHO DOES NOT HAVE THE CAPACITY TO FORWARD THE INFORMATION AS SPECIFIED IN R 338.3162B, THE INFORMATION SHALL BE MAILED OR DELIVERED TO A LOCATION SPECIFIED BY THE DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR AT LEAST EVERY 30 DAYS AND NO LATER THAN 15TH CALENDAR DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE PRESCRIPTION IS DISPENSED.

(4) THE DEPARTMENT OR DEPARTMENT'S CONTRACTOR SHALL NOTIFY A PHARMACIST, DISPENSING PRESCRIBER, OR VETERINARIAN OF AN ERROR IN DATA REPORTING. UPON RECEIVING NOTIFICATION OF AN ERROR IN DATA REPORTING, A PHARMACIST, DISPENSING PRESCRIBER, OR VETERINARIAN SHALL TAKE APPROPRIATE MEASURES TO CORRECT THE ERROR AND TRANSMIT THE CORRECTED DATA TO THE DEPARTMENT OR THE DEPARTMENT'S CONTRACTOR WITHIN 15 DAYS OF BEING NOTIFIED OF THE ERROR.

R 338.3162E EXEMPTION FROM REPORTING REQUIREMENTS.

RULE 62E. A PHARMACIST, DISPENSING PRESCRIBER, OR VETERINARIAN SHALL BE EXEMPT FROM THE REPORTING REQUIREMENTS UNDER THE FOLLOWING CIRCUMSTANCES:

(A) WHEN A CONTROLLED SUBSTANCE IN SCHEDULE 2 TO 5 IS ADMINISTERED DIRECTLY TO A PATIENT.

(B) WHEN A CONTROLLED SUBSTANCE IN SCHEDULE 2 TO 5 IS DISPENSED FROM A HEALTH FACILITY OR AGENCY LICENSED UNDER ARTICLE 17 OF THE ACT BY A

DISPENSING PRESCRIBER IN A QUANTITY ADEQUATE TO TREAT A PATIENT FOR NOT MORE THAN 48 HOURS.

R 338.3164 Emergency dispensing of schedule 2 substances; oral prescriptions.

Rule 64. A pharmacist may dispense a controlled substance listed in schedule 2 in case of an emergency in which the following conditions are met:

(a) The prescriber advises the pharmacist ~~that~~ OF THE FOLLOWING:

(i) Immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user.

(ii) Appropriate alternative treatment is not available, including administration of a drug ~~which~~ THAT is not a controlled substance under schedule 2.

(iii) It is not reasonably possible for the prescriber to provide a written prescription to be presented to the person dispensing the substance before the dispensing.

(iv) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period and pursuant to a written prescription.

(b) The prescription shall be immediately reduced to writing by the pharmacist and shall contain all information THAT IS REQUIRED TO BE CONTAINED IN A PRESCRIPTION UNDER PROVISIONS OF R 338.3161, except for the prescriber's signature.

(c) If the prescriber is not known to the ~~pharmacist~~ ~~he~~ PHARMACIST, THEN THE PHARMACIST shall make a reasonable effort to determine that the oral authorization came from a prescriber by returning the prescriber's call, using the telephone number listed in the telephone directory and other good faith efforts to assure the prescriber's identity.

R 338.3165 Emergency dispensing of schedule 2 substances; written prescriptions.

Rule 65. ~~Within 72 hours~~ WITHIN 7 DAYS after authorizing an emergency oral prescription of a controlled substance listed in schedule 2, the prescriber shall reduce the prescription to writing and have recorded on the prescription's face "Authorization for Emergency Dispensing" and the date of the oral order. The written prescription shall be delivered to the pharmacist in person or by mail, ~~but if delivered by mail it shall be postmarked within the 72-hour period~~ WITHIN 7 DAYS AFTER THE ORAL PRESCRIPTION IS ISSUED. Upon receipt, the dispensing pharmacist shall attach this prescription to the oral order which EARLIER had ~~earlier~~ been reduced to writing. The pharmacist shall notify the department of ~~licensing and regulation~~ CONSUMER AND INDUSTRY SERVICES if the prescriber fails to deliver a written prescription to him or her. The failure of a pharmacist to notify the department if the prescriber fails to deliver a written prescription voids the authority conferred by this rule to dispense without a written prescription of a prescriber.

R 338.3166 Partial dispensing of schedule 2 substances.

Rule 66. (1) A pharmacist may partially dispense a controlled substance listed in schedule 2 if he or she is unable to supply the full quantity called for in a written or emergency oral prescription and he or she makes a notation of the quantity supplied on the face of the written prescription or written record of the emergency oral prescription. The remainder of the prescription may be dispensed within ~~72 hours~~ 60 DAYS after the first partial dispensing. ~~; however, if~~ IF the remainder OF THE PRESCRIPTION is not or cannot be dispensed within ~~the 72 hours~~ 60 DAYS, the pharmacist shall so notify the prescriber. A further quantity shall not be dispensed beyond the ~~72 hours~~ 60 DAYS without a new prescription.

(2) Prescriptions for schedule 2 controlled substances that are written for a patient in long-term care facilities or for a patient with a medical diagnosis that documents a terminal illness may be filled in partial quantities, including

individual dosage units. For each partial filling, the dispensing pharmacist shall record, on the back of the prescription or on another appropriate record that is uniformly maintained and readily retrievable, all of the following information:

- (a) ~~The date~~ Date of the partial filling.
- (b) Quantity dispensed.
- (c) Remaining quantity authorized to be dispensed.
- (d) Identification of the dispensing pharmacist.

The total quantity of schedule 2 controlled substances dispensed in all partial fillings shall not be more than the total quantity prescribed. Schedule 2 prescriptions for a patient in a long-term care facility or for a patient with a medical diagnosis that documents a terminal illness shall be valid for a period of not more than 60 days from the issue date unless terminated at an earlier date by the discontinuance of medication. A pharmacist shall record on the prescription whether the patient is terminally ill or is a long-term care facility patient.

R 338.3167 Dispensing schedule 5 substances without prescriptions.

Rule 67. (1) A pharmacist may, without a prescription, dispense a controlled substance listed in schedule 5 which is not a prescription medication as determined under the federal food, drug, and cosmetic act, 21 U.S.C. §§301 to 392, if all of the following provisions are ~~complied with~~ MET:

- (a) The dispensing pharmacist has determined it is to be used for a medical purpose.
- (b) Not more than 240 cc (8 ounces) or 48 solid doses of a substance containing opium or more than 120 cc (4 ounces) or 24 solid doses of any other substance listed in schedule 5 ~~is~~ ARE distributed at retail to the same purchaser in any single 48-hour period.
- (c) The purchaser is ~~not less than~~ AT LEAST 18 years of age.
- (d) The pharmacist requires a purchaser not known to the pharmacist to furnish suitable identification, including proof of age where appropriate.

(2) ~~When~~ IF a pharmacist dispenses a controlled substance listed in schedule 5, THEN he or she shall affix to the container in which the substance is dispensed a label ~~showing~~ THAT SHOWS the date, his or her own name, and the name and address of the place of practice in which the substance is dispensed.

(3) THE PHARMACIST SHALL MAINTAIN A record of the dispensing of controlled substances listed in schedule 5. ~~shall be maintained by the pharmacist.~~ The record shall be immediately retrievable and may be maintained in the same manner as required for schedule 5 prescription medication. The record shall contain all of the following information:

- (a) The name and address of the patient.
- (b) The name and address of the purchaser if different from the patient.
- (c) The name and quantity of substance purchased.
- (d) The date purchased.
- (e) The name or initials of the pharmacist or pharmacy intern who dispensed the substance.
- (f) The medical purpose for which the medication is being used as determined by the pharmacist.

R 338.3168 Refilling of prescriptions.

Rule 68. (1) A prescription for a controlled substance listed in schedule 2 shall not be refilled.

(2) A prescription for a controlled substance listed in schedules 3 and 4 shall not be refilled more than 6 months after the PRESCRIPTION'S ~~issuance~~ date OF ISSUANCE ~~of the prescription~~ and shall not be refilled more than 5 times. Renewal of the prescription shall be effected and recorded in the same manner as an original prescription.

(3) A partial filling of a controlled substance prescription in schedules 3, 4, and 5 is permissible if all of the following provisions are ~~complied with~~ MET:

Each partial filling is recorded in the same manner as a refilling.

(b) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed.

(c) No dispensing occurs after 6 months after the date on which the prescription was issued for schedules 3 and 4.

(4) A prescription for a controlled substance listed in schedule 5 may be refilled only as expressly authorized by the prescriber on the prescription; if no authorization is indicated, then the prescription shall not be refilled.

NOTICE OF PUBLIC HEARING

ORR # 2002-027

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BOARD OF PHARMACY – CONTROLLED SUBSTANCES RULES

The Department of Consumer & Industry Services will hold a public hearing on Tuesday, November 5, 2002 from 9:00 a.m. to 11:00 a.m. at the Department of Consumer & Industry Services, Ottawa Building, 611 West Ottawa, Conference Room 3, Upper Level, Lansing, Michigan.

The public hearing is being held to receive comments from interested persons on amendments to the Michigan Board of Pharmacy – Controlled Substances Administrative Rules. The current rules are being amended to comply with Public Act 231 of 2001, which requires the Department of Consumer & Industry Services to establish, by administrative rule, an electronic system for monitoring Schedule 2, 3, 4, and 5 controlled substances dispensed in the State by veterinarians, pharmacists, and dispensing prescribers licensed under Part 177 (Pharmacy Practice and Drug Control) of the Public Health Code, or dispensed to an address in the State by a pharmacy licensed in the State.

Hearing comments may be presented in person, with written comments made available at the time of presentation. Written comments will be accepted at the following address or E-mail address until Friday, November 8, 2002 at 5:00 p.m. The rules will go into effect seven days after being filed with the Secretary of State. Address communications to:

Department of Consumer & Industry Services
Bureau of Health Services – Controlled Substances Hearing
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Diane R. Lewis, Policy Administration Manager
E-mail address: drlewis@michigan.gov

All hearings are conducted in compliance with the 1990 Americans With Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual who requires accommodations for effective participation in a hearing should call Pamela Mills at (517) 335-1765 (voice) or (517) 373-7489 (TTY) to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-045

DEPARTMENT OF AGRICULTURE

**~~FINANCE AND TECHNOLOGY DIVISION FAIRS, EXHIBITONS AND RACING DIVISION~~
REGULATION NO. 817. QUARTER HORSE BREEDERS' AWARDS AND STATE
SUPPLEMENTS**

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by sections 9 and 178 of ~~Act No. 279 of the Public Acts of 1965, as amended, 1965 P.A. 279, MCL 16.109 and 16.278 and section 13 of Act No. 327 of the Public Acts of 1980, as amended, being SS16.109, 16.278, and 431.73 of the Michigan Compiled Laws~~) 1995 P.A. 327, MCL 431.73)

R 285.817.1, R 285.817.2, R285.817.3, R 285.817.4, R 285.817.5, R 285.817.6 and R 285.817.7 of the Michigan Administrative Code are amended and R 285.817.8, R 285.817.9, and R 285.817.10 are added to the Code as follows:

R 285.817.1 Definitions.

Rule 1. As used in these rules:

- (a) ~~"Breeder" means a person who is domiciled in the state of Michigan and who owns a mare at the time of breeding. The lawful lessee of a mare at the time of breeding is deemed the owner of the mare.~~ AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, OR CORPORATION THAT OWNS A MARE AT THE TIME OF FOALING. THE LESSEE OF A MARE, WHICH IS REGISTERED WITH THE AMERICAN QUARTER HORSE ASSOCIATION AT THE TIME OF FOALING, IS DEEMED THE OWNER OF THE MARE.
- (b) ~~"Conditions" means a specification of the terms under which a race is conducted. such as the distance, weight, purse, stakes, trials, finals, and money won.~~
- (c) "Department" means the Michigan department of agriculture.
- (d) "Director" means the director of the department OF AGRICULTURE.
- (e) ~~"Domicile" means the fixed, permanent and principal home to which a person intends to return.~~ "EARNED TRACK PURSE" MEANS THE PORTION OF A PURSE OFFERED BY AN AMERICAN QUARTER HORSE RACING ASSOCIATION OR CERTIFIED HORSEMEN'S GROUP THAT IS AWARDED FOR THE ORDER OF FINISH UP TO THREE PLACINGS, BUT DOES NOT INCLUDE A STATE SUPPLEMENT OR ANY OTHER AWARDED FUNDS.
- (f) ~~"Fairs and racing division" means the fairs and racing division of the department.~~ "FIRST-TIME BREEDER" IS AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, OR CORPORATION THAT HAS NEVER REGISTERED AS A BREEDER WITH THE DEPARTMENT. ANY PARTNERSHIP, ASSOCIATION,

OR CORPORATION OF WHICH ANY PART OF THE OWNERSHIP HAS REGISTERED AS A BREEDER WITH THE DEPARTMENT IS NOT ELIGIBLE AS A FIRST-TIME BREEDER.

(g) "Foaling year" means the calendar year in which the ~~foal is born~~. MARE FOALED.

(h) "Gross purse" means the track purse plus the state supplement.

(i) "Licensed quarter horse racing association" means associations licensed by the Michigan racing commissioner to conduct quarter horse races in Michigan.

(j) "Michigan-bred quarter horse" means a horse ~~which is from a mare owned by a person who is domiciled in Michigan at the time of breeding and~~ sired by a registered stallion which: ~~is owned exclusively by a person who is domiciled in Michigan and which did not serve a mare at a location outside of Michigan during the calendar year in which the service occurred. Each mare and stallion shall be registered with the director of the department.~~

IS REGISTERED WITH THE DIRECTOR BY FEBRUARY 15TH OF THE FOALING YEAR,
IS IN MICHIGAN ON OR BEFORE FEBRUARY 15TH OF THE FOALING YEAR, AND

(iii) REMAINS IN THIS STATE UNTIL FOALING AND FOR NOT LESS THAN SEVEN CONSECUTIVE MONTHS OF THE FOALING YEAR.

(k) "Owner" means the ~~person~~ INDIVIDUAL, PARTNERSHIP, ASSOCIATION, OR CORPORATION listed on the American quarter horse association registry as the most current owner of the horse.

(l) "Quarter horse racing association of Michigan" means a nonprofit corporation, OR A SUBCOMMITTEE THEREOF, consisting of those persons organized for the purpose of improving quarter horse racing and breeding.

(m) "State supplement" means money allocated by the director from the state fund for a race conducted exclusively for Michigan-bred horses.

(n) "Track purse" means the money offered by a LICENSED quarter horse racing association for 1 race, not including a state supplement.

R 285.817a Determination of domicile.

Rule 1a. Factors to be considered in determining domicile are as follows:

Voting registration or alien registration showing a Michigan address.

Federal income tax return showing a Michigan address.

State income tax return showing a Michigan address.

R 285.817.2 Eligibility of ~~horses~~ FOALS for breeders' awards and OWNERS' AWARDS, AND state supplements.

Rule 2. (1) ~~Eligibility of horses~~ TO BE ELIGIBLE for breeders' awards and OWNERS' AWARDS, AND state supplements, ~~is established upon compliance with all of the following provisions:~~ AN OWNER SHALL COMPLY WITH ALL OF THE FOLLOWING PROVISIONS:

(a) A mare shall be registered, ~~with the expositions and racing section, on forms provided by the director, once per ownership, when the ownership is transferred with the American quarter horse association~~ ONCE PER OWNERSHIP, WITH THE DIRECTOR BY February FIFTEENTH OF THE FOALING YEAR.

(b) ~~A stallion shall be registered with the expositions and racing section, on forms provided by the director, once per ownership, when the ownership is transferred with the American quarter horse association.~~ A FOAL SHALL BE FROM A MARE WHICH WAS REGISTERED WITH THE DIRECTOR AND WHICH WAS IN MICHIGAN ON OR BEFORE February FIFTEENTH OF THE FOALING YEAR. THE MARE

SHALL REMAIN IN THIS STATE UNTIL FOALING AND FOR NOT LESS THAN SEVEN CONSECUTIVE MONTHS OF THE FOALING YEAR.

(c) ~~A certificate of eligibility shall be issued by the director for a Michigan-bred horse after proper registration of the mare and stallion and after the department receives a completed foal application. This certificate shall accompany the American quarter horse association registration certificate at the time of entry in a race.~~ THE AMERICAN QUARTER HORSE ASSOCIATION, INCORPORATED, CERTIFICATE OF FOAL REGISTRATION SHALL STATE: "FOALED IN MICHIGAN, USA."

(d) WITHIN 15 DAYS OF THE DEPARTURE OF A REGISTERED MARE, AN OWNER SHALL GIVE THE DIRECTOR WRITTEN NOTICE OF THE MARE'S DEPARTURE FROM MICHIGAN. IN ADDITION, AN OWNER SHALL GIVE THE DIRECTOR WRITTEN NOTICE OF THE MARE'S RETURN TO MICHIGAN WITHIN 15 DAYS OF THE DATE OF RETURN.

(e) A DEPARTMENT MICHIGAN-BRED EMBOSSED SEAL OF ELIGIBILITY SHALL ACCOMPANY THE AMERICAN QUARTER HORSE ASSOCIATION CERTIFICATE AT THE TIME OF ENTRY IN A RACE. THE CERTIFICATION SHALL BE ISSUED SEVEN BUSINESS DAYS OR MORE BEFORE POST TIME.

(2) ~~The American quarter horse association's record shall be considered the official record in determining the eligibility of a Michigan-bred horse that is foaled before 1979.~~ IF A BREEDER OR OWNER HAS COMPLIED WITH ALL OTHER RULES, THEN THE DIRECTOR MAY WAIVE THE DATE REQUIREMENTS OF SUBRULES (1) (A) AND (D) OF THIS RULE FOR THE FIRST TIME A BREEDER OR OWNER REGISTERS WITH THE DEPARTMENT.

(3) A MICHIGAN-BRED CERTIFICATION OF AMERICAN QUARTER HORSE ASSOCIATION FOAL ELIGIBILITY SHALL BE ISSUED BY THE DIRECTOR FOR A MICHIGAN-BRED HORSE.

R 285.817.3 Eligibility of races for state supplements.

Rule 3. (1) State supplements shall be allocated for ALL OF the following races:

- (a) Michigan-bred quarter horse overnight races.
- (b) The Michigan futurities.
- (c) Michigan-bred 2-year-old championships, handicaps, and stakes.
- (d) Michigan-bred 3-year-old handicaps and stakes.
- (e) Michigan-bred 4-year-old and older handicaps and stakes.

(2) State supplements shall be paid first for races specified under ~~subdivisions~~ SUBRULE (1)(b) to (e) of ~~subrule~~ THIS RULE. (4). If funds are not available to provide state supplements for all races approved by the director under ~~subdivision~~ SUBRULE (1) (a) of ~~subrule (1)~~THIS RULE, then the director shall prorate available money at his OR HER discretion among the races so run.

(3) Not less than ~~3~~ 2 races of Michigan-bred horses shall be scheduled on each full quarter horse program, with ~~not less than~~ AT LEAST 1 race of Michigan-bred horses on any split program.

(4) An association licensed to conduct quarter horse racing in Michigan shall not offer a smaller track purse, excluding the state supplement, for a race of Michigan-bred horses, than it offers for a race of non-Michigan-bred horses which, in the judgment of the director, is a comparable race.

(5) If the programmed race of Michigan-bred horses does not draw sufficient entries to run, the licensed quarter horse racing association may substitute a race approved by the director.

R 285.817.4 Conditions and purses for races; allocation of state supplements.

Rule 4. (1) The racing association of the track where races of Michigan-bred horses are to be conducted shall propose conditions and purses for the races of Michigan-bred horses. The conditions of all races of Michigan-

bred horses are subject to the approval of the director. These conditions shall be submitted to the director not less than 18 calendar days before the first race is conducted for each race program.

(2) The allocation of state supplements shall be determined by the director ~~with the advice of the racing commissioner~~, a representative of the licensed quarter horse racing associations, and a representative of the quarter horse racing association of Michigan, AND A REPRESENTATIVE OF THE TRACK LICENSED TO RUN QUARTER HORSE RACING.

(3) The director shall announce, noT later than 4 calendar days before the start of the race meet, his OR HER allocation of state supplements to purses for each of the approved races of Michigan-bred horses in the race program. If proposed conditions for those races are not submitted to the director, along with a substitute race list, within the time fixed by subrule (1) OF THIS RULE, the director may determine conditions and allocate state supplements for those races at his OR HER discretion, but state supplements ~~may~~ SHALL not be allocated ~~later~~ MORE than 96 hours before the first race scheduled in each condition book. A state supplement shall not be allocated to a race of Michigan-bred horses after the race has been run.

R 285.817.5 Payment of breeders' awards.

Rule 5. (1) The director shall pay a breeder's award, IN AN AMOUNT SPECIFIED BY LAW, to the breeder of a Michigan-bred horse ~~for each time the horse runs first, second, or third in a race, including approved fair races. The total award shall be in the amount of 10% of the gross purse. EACH TIME THE HORSE WINS AT A LICENSED TRACK IN THIS STATE. If more than 1 winner, place, or show is declared, each breeder is entitled to a FULL breeder's award. Breeders' awards shall only be payable for wins after the date that the mare and stallion are properly registered.~~ A BREEDER AWARD SHALL NOT BE PAID FOR RACES WON AFTER THE DATE OF DEATH OF A BREEDER.

~~(2) If 3 breeders are eligible for a breeder's award, the breeder whose horse came in first shall receive 5% of the gross purse, the breeder whose horse came in second shall receive 3%, and the breeder whose horse came in third shall receive 2%. If breeders of only 2 of the first 3 horses are eligible, the division shall be 6% and 4%. If only 1 breeder is eligible, he or she shall receive 10%.~~

(2) Rights to breeders' awards are not assignable. ~~Breeders' awards~~ and are not inheritable. The director is ~~under no~~ DOES NOT HAVE AN obligation to pay a breeders' award in excess of available funds or other than as provided in these rules. ~~In the case of a death of a breeder, breeders' awards shall only be paid for a race won prior to the date of death recorded on a certified death certificate. Such certificate shall be submitted to the fairs and racing division when requesting payment of breeders' awards after the death of a breeder.~~

~~(4) If monies are not available for full payment of both breeders' awards and state supplements, payments shall be made in full for supplements as provided in R 285.817.3 and remaining monies shall be prorated for breeders' awards.~~

R 285.817.6 Certification of racing results; burden of proof; processing of Payment OF BREEDERS' AWARDS, OWNERS' AWARDS, AND STATE SUPPLEMENTS

Rule 6. (1) ~~In each condition book,~~ The racing commissioner shall certify to the director at the completion of racing, IN EACH CONDITION BOOK, the results of all races in which a Michigan-bred horse AND THEIR BREEDERS AND THE RESULTS OF ALL RACES IN WHICH A MICHIGAN-BRED HORSE FINISHED placed first, second, or third IN A RACE THAT WAS NOT RESTRICTED TO MICHIGAN-BRED HORSES. ~~along with the names of the owner and breeder of the horse.~~

(2) ~~The secretary of a fair shall provide the director with a copy of each day's race program for the fair's races within 15 days, showing the first 4 places or a complete film strip of each race, with placings checked on the program and certified by the race secretary. IF THE ELIGIBILITY OF A BREEDER OR AN OWNER TO~~

RECEIVE BREEDERS' AWARDS OR OWNERS' AWARDS IS QUESTIONED, THEN THE BURDEN OF PROOF THAT A HORSE WAS MICHIGAN-BRED OR IN COMPLIANCE WITH THESE RULES IS ON THE BREEDER AND OWNER.

~~(3) When the eligibility of a breeder to receive a breeder's award is questioned, the burden of proving that a horse is a Michigan bred horse, or is in compliance with these rules, is on the breeder.~~ PAYMENT OF BREEDERS' AWARDS AND OWNERS' AWARDS SHALL BE PROCESSED AT LEAST TWICE EACH YEAR AFTER JUNE 30 AND DECEMBER 31.

~~(4) State supplements may be processed for payment to the owners of winning horses once each month.~~

~~(5) Payment of breeders' awards shall be processed not less than once each month.~~

R 285.817.7 Ineligibility for future breeders' awards and state supplements.

Rule 7. A person or entity willfully accepting and retaining a breeder's award or state supplement contrary to these rules is ineligible for a future breeder's award or state supplement in this state.

RULE 285.817.8 OWNERS' AWARDS.

RULE 8. (1) AN AWARD OF UP TO 30% OF THE EARNED TRACK PURSE SHALL BE PAID TO THE PURSE ACCOUNT OF THE OWNER OF A MICHIGAN-BRED HORSE THAT FINISHES FIRST, SECOND, OR THIRD IN AN ELIGIBLE RACE THAT WAS NOT RESTRICTED TO MICHIGAN-BRED OR SIRED HORSES AT A STATE-LICENSED PARI-MUTUEL TRACK IN MICHIGAN.

(2) THE DIRECTOR, WITH ADVICE FROM THE CERTIFIED QUARTER HORSE ASSOCIATION, AMERICAN PAINT HORSEMEN'S ORGANIZATION AND THE AMERICAN PAINT BREEDERS AND OWNERS ASSOCIATION, SHALL DETERMINE THE ALLOCATION OF OWNERS' AWARD PERCENTAGES.

(3) A SINGLE OWNERS' AWARD IS LIMITED TO \$10,000.00.

RULE 285.817.9 PAYMENT OF OWNERS' AWARDS.

RULE 9. (1) THE RACING COMMISSIONER SHALL CERTIFY TO THE DIRECTOR, AT THE COMPLETION OF RACING, IN EACH CONDITION BOOK, THE NAMES OF THE OWNERS OF ALL MICHIGAN-BRED HORSES THAT FINISHED FIRST, SECOND, OR THIRD IN A RACE THAT WAS NOT RESTRICTED TO MICHIGAN-BRED OR SIRED HORSES.

(2) IF THE ELIGIBILITY OF AN OWNER TO RECEIVE AN OWNERS' AWARD IS QUESTIONED, THEN THE BURDEN OF PROOF THAT A HORSE WAS MICHIGAN-BRED OR IS IN COMPLIANCE WITH THESE RULES IS ON THE OWNER.

RULE 285.817.10 CERIFICATION OF RACING RESULTS; BURDEN OF PROOF; PROCESSING OF PAYMENT.

RULE 10. (1) IN EACH CONDITION BOOK, THE RACING COMMISSIONER SHALL CERTIFY TO THE DIRECTOR, AT THE COMPELTION OF RACING, THE RESULTS OF ALL RACES IN WHICH A MICHIAN-BRED HORSE PLACED FIRST, SECOND, OR THIRD, ALONG WITH THE NAMES OF THE OWNER AND BREEDER OF THE HORSE.

(2) THE SECRETARY OF A FAIR SHALL PROVIDE THE DIRECTOR WITH A COPY OF EACH DAY'S RACE PROGRAM FOR THE FAIR'S RACES WITHIN 15 DAYS, SHOWING THE FIRST 4 PLACES OR A COMPLETE FILM STRIP OF EACH RACE, WITH PLACING CHECKED ON THE PROGRAM AND CERTIFIED BY THE RACE SECRETARY.

(3) WHEN THE ELIGIBILITY OF A BREEDER TO RECEIVE A BREEDERS' AWARD IS QUESTIONED, THE BURDEN OF PROVING THAT A HORSE IS A MICHIGAN-BRED HORSE OR IS IN COMPLIANCE WITH THESE RULES IS ON THE BREEDER.

(4) STATE SUPPLEMENTS MAY BE PROCESSED FOR PAYMENT TO THE OWNERS OF WINNING HORSES ONCE EACH MONTH.

(5) PAYMENT OF BREEDERS' AWARDS SHALL BE PROCESSED NOT LESS THAN ONCE EACH MONTH.

NOTICE OF PUBLIC HEARING

ORR # 2002-045

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

The Michigan Department of Agriculture, Fairs, Exhibitions and Racing Division, will conduct a public hearing on proposed amendments to Regulation 817, Quarter Horse Breeder's Awards and State Supplements. The current regulation has outdated language with limited growth potential for the quarter horse programs. The rules are being amended to comply with the Racing Law.

The public hearing will be held on Monday, November 18, 2002, beginning at 1:30 PM, at the Constitution Hall Building, Van Dusen Conference Room, 525 Allegan, Lansing, MI 48933.

The proposed rules (identified as 2002-45AC) can be downloaded from the Internet through the Office of Regulatory Reform at <http://www/migov.state.mi.us/rules/orr>. Copies of the proposed rules may be obtained by contacting:

Fairs, Exhibitions and Racing Division
Michigan Department of Agriculture
PO Box 30017
Lansing, Michigan 48909
Telephone: (517) 241-2529
Fax: (517) 241-4217
E-mail: devins@state.mi.us

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to Fairs, Exhibitions and Racing Division, Michigan Department of Agriculture, at the address above. Written comments must be received by October 28, 2002.

Persons needing accommodations for effective participation in the meeting should contact the Fairs, Exhibitions and Racing Division, at (517) 241-2529, a week in advance to request mobility, visual, hearing, or other assistance.

Promulgation of these rules is pursuant to the authority conferred on the commission of agriculture by sections 7(4) of Act No. 361 of the Public Acts of 1978, as amended, being Section 285.161, et. Seq., of the Michigan Compiled Laws, also known as the Michigan Exposition and Fairgrounds Act. These rules become effective 15 days after filing with the Secretary of State.

Date: 10-2-2002

Dan Wyant, Director

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-046

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

**REGULATION NO. 823. AMERICAN PAINT HORSE BREEDERS'
AWARDS AND STATE SUPPLEMENTS**

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R 285.823.1 Definitions.

Rule 1. As used in these rules:

- (a) "Breeder" means an individual, partnership, association, or corporation that owns a mare at the time of foaling. The lessee of a mare, which is registered with the American paint horse association, incorporated, at the time of foaling is deemed the owner of the mare.
- (b) "Conditions" means a specification of the terms under which a race is conducted.
- (c) "Department" means the Michigan department of agriculture.
- (d) "Director" means the director of the department or his or her designee.
- (e) "Earned track purse" means the portion of a purse offered by an American paint racing association or certified horsemen's group that is awarded for the order of finish up to 3 placings, but does not include a state supplement or any other awarded funds.
- (f) "First time breeder" is an individual, partnership, or corporation that has never registered as a breeder with the department. Any partnership, or corporation of which any part of the ownership has registered as a breeder with the department is not eligible as a first time breeder.
- (g) "Foaling year" means the calendar year in which the mare foaled.
- (h) "Gross purse" means the track purse plus the state supplement.
- (i) "Licensed paint horse racing association" means associations licensed by the Michigan racing commissioner to conduct paint horse races in Michigan.
- (j) "Michigan-bred paint horse or paint breed stock" means a horse which is from a mare owned by a person who is domiciled in Michigan at the time of breeding and sired by a registered stallion which is owned exclusively by a person who is domiciled in Michigan and which did not serve a mare at a location outside of Michigan during the calendar year in which the service occurred. Each mare and stallion shall be registered with the director of the department.
- (k) "Owner" means the person individual, partnership, association, or corporation listed on the American paint horse association registry as the most current owner of the horse.

(l) "Licensed paint horse racing association of Michigan" means a nonprofit corporation, or an affiliation committee or subcommittee consisting of persons organized for the purpose of improving paint horse racing and breeding.

(m) "State supplement" means money allocated by the director from the state fund for a race conducted exclusively for Michigan-bred horses.

(n) "Track purse" means the money offered by a licensed paint horse racing association for 1 race, not including a state supplement.

R 285.823.2 Determination of domicile.

Rule 2. All of the following factors shall be considered in determining domicile:

- (a) Voter registration or alien registration showing a Michigan address.
- (b) Federal income tax return showing a Michigan address.
- (c) State income tax return showing a Michigan address.

R 285.823.3 Eligibility of foals for breeders' awards, owners' awards and state supplements.

Rule 3. (1) To be eligible for breeders' awards, owners' awards and state supplements, an owner shall comply with all of the following provisions:

- (a) A mare shall be registered with the director by February fifteenth of the foaling year.
 - (b) A foal shall be from a mare which was registered with the director and which was in Michigan on or before February fifteenth of the foaling year. The mare shall remain in this state until foaling and for not less than 7 months of the foaling year.
 - (c) The American paint horse association, incorporated, certificate of foal registration shall state "foaled in Michigan, USA."
 - (d) Within 15 days of the departure of a registered mare, an owner shall give the director written notice of the mare's departure from Michigan. In addition, an owner shall give the director written notice of the mare's return to Michigan within 15 days of the date of return.
 - (e) A department Michigan-bred embossed seal of eligibility shall accompany the American paint horse association certificate at the time of entry in a race. The certification shall be issued not less than 7 business days before post time.
- (2) If a breeder or owner has complied with all other rules, then the director may waive the date requirement of subrule (1)(a) and (d) of this rule for the first time a breeder or owner registers with the department.
- (3) A Michigan-bred certification of American paint horse association foal eligibility shall be issued by the director for a Michigan-bred horse.

R 285.823.4 Eligibility of races for state supplements.

Rule 4. (1) State supplements shall be allocated for all of the following races:

- (a) Michigan-bred paint horse overnight races.
- (b) The Michigan futurities.
- (c) Michigan-bred 2-year-old championships, handicaps, and stakes.
- (d) Michigan-bred 3-year-old handicaps and stakes.
- (e) Michigan-bred 4-year-old and older handicaps and stakes.

(2) State supplements shall be paid first for races specified under subrule (1)(b) to (e) of this rule. If funds are not available to provide state supplements for all races approved by the director under subrule (1)(a) of this rule, then the director shall prorate available money at his or her discretion among the races so run, based on the number of horse entries, conditions, and value of total purse.

- (3) Not less than 2 races of Michigan-bred horses shall be scheduled on each full paint horse program, with at least 1 race of Michigan-bred horses on any split program.
- (4) An association licensed to conduct paint horse racing in Michigan shall not offer a smaller track purse, excluding the state supplement, for a race of Michigan-bred horses, than it offers for a race of non-Michigan-bred horses which, in the judgment of the director, is a comparable race.
- (5) If the programmed race of Michigan-bred horses does not draw sufficient entries to run, the licensed paint horse racing association may substitute a race approved by the director.

R 285.823.5 Conditions and purses for races; allocation of state supplements.

Rule 5. (1) The racing association of the track where races of Michigan-bred horses are to be conducted shall propose conditions and purses for the races of Michigan-bred horses. The conditions of all races of Michigan-bred horses are subject to the review of horse eligibility as described in these rules and available funding based for approval of the director. These conditions shall be submitted to the director not less than 14 calendar days before the first race is conducted for each race program.

(2) The allocation of state supplements shall be determined by the director, a representative of the licensed paint horse racing associations, a representative of the paint horse racing association of Michigan, and a representative of the licensed track.

(3) The director shall announce, not later than 4 calendar days before the start of the race meet, his or her allocation of state supplements to purses for each of the approved races of Michigan-bred horses in the race program. If proposed conditions for those races are not submitted to the director, along with a substitute race list, within the time fixed by subrule (1) of this rule, the director may determine conditions and allocate state supplements for those races at his or her discretion based on horse eligibility, number of horse entries, and available funding to enhance and promote paint horse racing. State supplements shall not be allocated later than 96 hours before the first race scheduled in each condition book. A state supplement shall not be allocated to a race of Michigan-bred horses after the race has been run.

R 285.823.6 Payment of breeders' awards.

Rule 6. (1) The director shall pay a breeders' award, in an amount specified by law, to the breeder of a Michigan-bred horse each time the horse wins at a licensed track in this state. If more than 1 winner is declared, each breeder is entitled to a full breeder award. A breeders' award shall not be paid for races won after the date of death of a breeder.

(2) Rights to breeders' awards are not assignable and are not inheritable. The director is not obligated to pay a breeders' award in excess of available funds or other than as provided in these rules.

R 285.823.7 Payment of breeders' awards, owners' awards, and state supplements.

Rule 7. (1) The racing commissioner shall certify to the director at the completion of racing, in each condition book, the results of all races in which a Michigan-bred horse and their breeders finished first, second, or third in a race that was not restricted to Michigan-bred horses.

(2) If the eligibility of a breeder or owner to receive a breeders' award or owners' award is questioned, the burden of proof that a horse was Michigan-bred or in compliance with these rules is on the breeder and owner.

(3) Payment of breeders' awards and owners' awards shall be processed at least twice each year, after June 30 and December 31.

R 285.823.8 Owners' awards.

Rule 8. An award of up to 30% of the earned track purse shall be paid to the purse account of the owner of a Michigan-bred horse that finishes first, second, or third in an eligible race that was not restricted to Michigan-bred or sired horses at a state-licensed pari-mutuel track in Michigan.

(2) The director, with advice from the certified American paint horsemen's organization and the American paint breeders and owners association, shall determine the allocation of owner's award percentages.

(3) A single owners' award is limited to not more than \$10,000.00.

R285.823.9 Payment of owners' awards.

Rule 9. (1) The racing commissioner shall certify to the director, at the completion of racing, in each condition book, the names of the owners of all Michigan-bred horses that finished first, second, or third in a race that was not restricted to Michigan-bred or sired horses.

(2) If the eligibility of an owner to receive an owners' award is questioned, the burden of proof that a horse was Michigan-bred or is in compliance with these rules is on the owner.

R 285.823.10 Certification of racing results; burden of proof; processing payment.

Rule 10. (1) In each condition book, the racing commissioner shall certify to the director at the completion of racing, the results of all races in which a Michigan-bred horse placed first, second, or third, along with the names of the owner and breeder of the horse.

(2) The secretary of a fair shall provide the director with a copy of each day's race program for the fair's races within 15 days, showing the first 4 places or a complete film strip of each race, with placing checked on the program and certified by the race secretary.

(3) When the eligibility of a breeder to receive a breeders' award is questioned, the burden of proving that a horse is a Michigan-bred horse or is in compliance with these rules is on the breeder.

(4) State supplements may be processed for payment to the owners of winning horses once each month.

(5) Payment of breeders' awards shall be processed not less than once each month.

R 285.823.11 Ineligibility for future breeders' awards and state supplements.

Rule 11. A person or entity willfully accepting and retaining a breeders' award or state supplement contrary to these rules is ineligible for a future breeders' award or state supplements in this state.

NOTICE OF PUBLIC HEARING

ORR # 2002-046

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

The Michigan Department of Agriculture, Fairs, Exhibitions and Racing Division, will conduct a public hearing on proposed proposals to Regulation 823, American Paint Horse Breeder's Awards and State Supplements. This is a new rule which will bring the American Paint Horse into compliance with current flat racing regulations and into compliance with state statute by providing a new definition for a Michigan-bred American Paint Horse. The rules are being promulgated to comply with the Racing Law.

The public hearing will be held on Monday, November 18, 2002, beginning at 1:30 PM, at the Constitution Hall Building, Van Dusen Conference Room, 525 Allegan, Lansing, MI 48933.

The proposed rules (identified as 2002-46AC) can be downloaded from the Internet through the Office of Regulatory Reform at <http://www/migov.state.mi.us/rules/orr>. Copies of the proposed rules may be obtained by contacting:

Fairs, Exhibitions and Racing Division
Michigan Department of Agriculture
PO Box 30017
Lansing, Michigan 48909
Telephone: (517) 241-2529
Fax: (517) 241-4217
E-mail: devins@state.mi.us

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to Fairs, Exhibitions and Racing Division, Michigan Department of Agriculture, at the address above. Written comments must be received by October 28, 2002.

Persons needing accommodations for effective participation in the meeting should contact the Fairs, Exhibitions and Racing Division, at (517) 241-2529, a week in advance to request mobility, visual, hearing, or other assistance.

Promulgation of these rules is pursuant to the authority conferred on the commission of agriculture by sections 7(4) of Act No. 361 of the Public Acts of 1978, as amended, being Section 285.161, et. Seq., of the Michigan Compiled Laws, also known as the Michigan Exposition and Fairgrounds Act. These rules become effective 15 days after filing with the Secretary of State.

Date:10-2-2002

Dan Wyant, Director

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-054

DEPARTMENT OF AGRICULTURE

LABORATORY DIVISION

REGULATION NO. 564. AUTOMOTIVE GASOLINE PURITY, ADDITIVES, AND GRADING

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 3 of Act No. 44 of the Public Acts of 1984, being §290.643 of the Michigan Compiled Laws)

R 285.564.1, R 285.564.2, R 285.564.3, R 285.564.4, R 285.564.5, R 285.564.6, R 285.564.7, R 285.564.8, R 285.564.10, R 285.564.11 and R 285.564.13 of the Michigan Administrative Code are amended and R 285.564.9 is rescinded as follows:

R 285.564.1 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means Act No. 44 of the Public Acts of 1984, being §290.641 et seq. of the Michigan Compiled Laws.
 - (b) "Antiknock index (AKI)" means $(RON + MON)/2$.
 - (c) "ASTM" means the scientific and technical organization founded for the development of standards and located at ~~1916 Race Street, Philadelphia, PA 19103~~ 100 BARR HARBOR DRIVE, W. CONSHOHOCKEN, PA 19428-2959.
 - (d) "Maximum phase separation temperature" means the temperature of a gasoline containing alcohol which retains water in solution or in a stable suspension.
 - (e) "Motor octane number (MON)" means a knock characteristic of automotive gasoline determined by use of standard procedures on a motor engine.
 - (f) "Research octane number (RON)" means a knock characteristic of automotive gasoline determined by use of standard procedures on a research engine.
- (2) The terms defined in the act have the same meanings when used in these rules.

R 285.564.2 Permissible oxygen content in gasoline; gasoline clarity.

Rule 2. (1) The calculated oxygen content permitted in any gasoline sample shall not exceed 3.7% by weight. The percentage of oxygen by weight shall be calculated on the basis of the oxygenate added per 1% volume, without regard to the actual gravity of the finished gasoline, as listed in the following table:

Table 1

Oxygenate added	Percentage by Weight of oxygen per Volume oxygenate	1%
Methanol	.53%	
Ethanol	.37%	
Tertiary butyl alcohol	.23%	
Methyl-tertiary butyl ether	.18%	

The following are examples of calculated oxygen equivalents:

- (a) Gasoline having 10% by volume ethanol. Oxygen by weight: $10 \times .37 = 3.7\%$.
- (b) Gasoline having 4 1/2% by volume methanol and 4 1/2% by volume tertiary butyl alcohol. Oxygen by weight: $4.5 \times .53 + 4.5 \times .23 = 3.4\%$.
- (c) Gasoline having 11% by volume methyl-tertiary butyl ether and 3% by volume methanol. Oxygen by weight: $11 \times .18 + 3 \times .53 = 3.6\%$

The department shall provide oxygen equivalents for oxygenates not listed in table 1 upon request, which shall be based upon gasoline with a specific gravity of .7412 (6.17 pounds per gallon) at 60 degrees Fahrenheit.

BEGINNING JUNE 1, 2003, THERE SHALL NOT BE INTENTIONAL ADDITION OF METHYL TERTIARY BUTYL ETHER (MTBE) TO THE GASOLINE.

(2) Gasoline shall be visually free of undissolved water, sediment, and suspended matter; and IT shall be clear and bright at the ambient temperature of OR 70 degrees Fahrenheit (21 DEGREES CELSIUS), WHICHEVER IS HIGHER.

(3) THE FINISHED FUEL SHALL BE FREE OF ANY ADULTERANT OR CONTAMINANT THAT MAY RENDER THE FUEL UNACCEPTABLE FOR ITS COMMONLY USED APPLICATIONS.

R 285.564.3 Gasoline grades.

Rule 3. (1) There shall be 6 uniform grades of gasoline as follows:

- (a) ~~Unleaded~~ "SUBREGULAR" WITH AN AKI OF 85 OR ABOVE.
- (b) ~~Unleaded~~ "REGULAR" WITH AN AKI OF 87 OR ABOVE.
- (c) ~~Unleaded-premium~~ "MIDGRADE 88" WITH AN AKI OF 88 OR ABOVE.
- (d) ~~Leaded-subregular~~ "MIDGRADE 89" WITH AN AKI OF 89 OR ABOVE.
- (e) ~~Leaded-regular~~ "PREMIUM" WITH AN AKI OF 90 OR ABOVE.
- (f) ~~Leaded-premium~~ "PREMIUM 91" WITH AN AKI OF 91 OR ABOVE
- (g) "PREMIUM 92" WITH AN AKI OF 92 OR ABOVE
- (h) "PREMIUM 93" WITH AN AKI OF 93 OR ABOVE
- (i) "PREMIUM 94" WITH AN AKI OF 94 OR ABOVE

(2) ~~The following are 2 special grades of gasoline which shall meet the specifications of R 285.564.7(2):~~

~~Unleaded special.~~

~~Leaded special.~~

~~(3)~~ The special grades of gasoline may be offered for sale if listed with and approved by the department. To apply for listing, the refiner or blender shall provide the department with the gasoline brand name, the grade specifications, and a copy of the complete test results for all applicable standards specified in these rules and other tests as required by the department.

R 285.564.4 Grades of gasoline; specifications.

Rule 4. All uniform and special grades of gasoline shall meet the following specifications:

(a) The test method for ~~alcohols~~ OXYGENATES shall be ~~gas chromatography~~ ASTM STANDARD D5599-95. If the total amount of any alcohol contained is 1% by volume or greater, the pump shall be required to be posted with an alcohol notice. Gasoline containing alcohol shall meet all other specifications contained in these rules. BEGINNING JUNE 1, 2003, THERE SHALL NOT BE INTENTIONAL ADDITION OF METHYL TERTIARY BUTYL ETHER (MTBE) TO THE GASOLINE.

(b) The test method for corrosion shall be ASTM standard D 130-83 94. Copper strip corrosion shall not exceed No. 1 on the test scale specified in test method ASTM standard D 130-83 94.

(c) The test method for distillation range shall be ASTM standard D86-82 00. In addition, all of the following provisions apply to the distillation range:

(i). The 10% evaporated temperature shall not exceed any of the following:

- (A) One hundred and twenty-two degrees Fahrenheit during the months of January, February, March, November, and December.
- (B) One hundred and thirty-one degrees Fahrenheit during the months of April, May, September, and October.
- (C) One hundred and ~~forty~~ FIFTY EIGHT degrees Fahrenheit during the months of June, July, and August.
- (D) During the transition months of March, APRIL, May, September, and November, it shall be permissive to use the next higher evaporated temperature specification.

(i). The 50% evaporated temperature shall BE:

(A) not be less than ~~170~~ ONE HUNDRED AND FIFTY ~~SEVENTY~~ degrees fahrenheit and shall not exceed ~~any of the following~~ (A) two hundred and thirty degrees fahrenheit during the months of January, February, ~~March, November,~~ and December.

(B) NOT LESS THAN ONE HUNDRED AND FIFTY DEGREES FAHRENHEIT AND SHALL NOT EXCEED ~~two hundred and thirty-five degrees fahrenheit~~ during the months of MARCH, April, May, September, ~~and~~ October, AND NOVEMBER.

(C) NOT LESS THAN ONE HUNDRED AND SEVENTY DEGREES FAHRENHEIT AND SHALL NOT EXCEED Two hundred and ~~forty~~ FIFTY degrees Fahrenheit during the months of June, July, and August ~~During the transition months of March, May, September, and November, it shall be permissive to use the next higher evaporated temperature specification.~~

(ii). The 90% evaporated temperature shall not exceed:

(A) ~~365~~ THREE HUNDRED AND SIXTY FIVE degrees fahrenheit DURING THE MONTHS OF JANUARY, FEBRUARY, MARCH, OCTOBER, NOVEMBER, AND DECEMBER.

(B) THREE HUNDRED AND SEVENTY FOUR DEGREES FAHRENHEIT DURING THE MONTHS OF APRIL, MAY, JUNE, JULY, AUGUST, SEPTEMBER.

(iii). The end point shall not exceed ~~437~~ FOUR HUNDRED AND THIRTY SEVEN degrees fahrenheit.

(iv). The residue shall not exceed 2%.

(v) THE DRIVEABILITY INDEX SHALL BE DERIVED USING ASTM D4814-01a (ALL DIGITS IN THE VALUES ARE SIGNIFICANT DIGITS). THE DRIVEABILITY INDEX AT THE REFINERY AND TERMINALS SHALL NOT:

- (A) EXCEED 1200 DEGREES FAHRENHEIT DURING THE MONTHS OF JUNE, JULY AND AUGUST.
- (B) EXCEED 1220 DEGREES FAHRENHEIT DURING THE MONTHS OF APRIL, MAY, SEPTEMBER, AND OCTOBER.
- (C) (C) EXCEED 1250 DEGREES FAHRENHEIT DURING THE MONTHS OF JANUARY, FEBRUARY, MARCH, NOVEMBER, AND DECEMBER.

- (D) (D) The test method for existent gum shall be ASTM standard D 381-80 99. The existent gum shall not exceed 5.0 mg per 100.0 ml.
- (E) (E) For the test method for maximum phase separation temperature SHALL BE ASTM D6422 ~~see R-285.564.8.~~ The maximum temperature for phase separation of gasoline containing alcohol shall be 1 of the following temperatures listed in table 2.

Table 2

Lower Peninsula	
Month	Maximum temperature for phase separation degrees Fahrenheit (CELSIUS)
January	0 (-18)
February	1 (-17)
March	10 (-12)
April	27 (-3)
May	34 (1)
June	45 (7)
July	50 (10)
August	48 (9)
September	41 (5)
October	32 (0)
November	21 (-6)
December	7 (-14)

Upper Peninsula	
Month	Maximum temperature for phase separation degrees Fahrenheit (CELSIUS)
January	-6 (-21)
February	-4 (-20)
March	5 (-15)
April	21 (-6)
May	30 (-1)
June	43 (6)
July	48 (9)
August	48 (9)
September	39 (4)
October	30 (-1)
November	16 (-9)
December	0 (-18)

~~(g)~~(F) The test method for Reid vapor pressure for gasoline AND GASOLINE OXYGENATE BLENDS SHALL BE ASTM D6378-99e1 ~~not containing alcohol shall be ASTM standard D-323-82.~~

For gasoline containing alcohol, ~~see R-285.564.9.~~ The Reid THE vapor pressure shall not exceed any of the following:

- (i). Sixteen and one-half pounds per square inch during the months of January, February, March, November, and December.
- (ii). Fourteen-and one-half pounds per square inch during the months of April, May, September, and October.
- (iii). ~~Eleven and one-half~~ TEN pounds per square inch during the months of June, July, and August EXCEPT AS PROVIDED FOR IN SECTION 3 OF P.A. 44 AND REGULATION 561, DISPENSING FACILITY REID VAPOR PRESSURE.

FOR GASOLINE NOT CONTAINING 9-10 % ALCOHOL, THE VAPOR PRESSURE SHALL NOT EXCEED ANY OF THE FOLLOWING:

- (i). FIFTEEN AND ONE-HALF POUNDS PER SQUARE INCH DURING THE MONTHS OF JANUARY, FEBRUARY, MARCH, NOVEMBER, AND DECEMBER.
- (ii). THIRTEEN AND ONE-HALF POUNDS PER SQUARE INCH DURING THE MONTHS OF APRIL, MAY, SEPTEMBER, AND OCTOBER.
- (iii). NINE POUNDS PER SQUARE INCH DURING THE MONTHS OF JUNE, JULY, AND AUGUST EXCEPT AS PROVIDED FOR IN SECTION 3 OF P.A. 44 AND REGULATION 561, DISPENSING FACILITY REID VAPOR PRESSURE.

(+) (G) The test method for the vapor-liquid ratio for gasoline ~~which does not contain alcohol or ether~~ shall be ASTM standard D 2533-82 5188-99.

~~For gasoline containing alcohol or ether, or both, see R 285.564.10 for a reference only. A proven test method which does not require complex health safeguards is not currently available. R 285.564.10 will be replaced by a standard when a proven test method is approved by ASTM.~~ For gasoline ~~not containing alcohol or ether or alcohol and ether~~, the test temperature at which the vapor-liquid ratio is a maximum of 20 to 1 shall be 1 of the following:

- (i). One hundred and five degrees Fahrenheit during the months of January, February, March, November, and December.
- (ii). One hundred and sixteen degrees Fahrenheit during the months of April, May, ~~September~~, and October.
- (iii). One hundred and twenty-four degrees Fahrenheit during the months of June, July, ~~and~~ August, AND SEPTEMBER.
- (iv). During the transition months of March, ~~May, September~~ and November, it shall be permissive to use the next higher temperature specifications.

R 285.564.5 Grades of leaded gasoline; additional specifications.

Rule 5. In addition to the specifications listed in R 285.564.4, all ~~uniform and~~ special grades of leaded gasoline shall meet the following specifications:

- ~~(a) The test method for lead content shall be ASTM standard D 3237-79 5185-97, atomic absorption spectrometry. Leaded gasoline may contain lead compounds not to exceed 4.2 grams of lead per gallon in any sample.~~
- (b) The test method for sulfur shall be ASTM standard D 2622-82 5453-00, ~~x-ray spectrography~~. The sulfur content shall not exceed 0.15% by weight.

R 285.564.6 Grades of unleaded gasoline; additional specifications.

Rule 6. In addition to the specifications listed in R 285.564.4, all uniform ~~and~~ special grades of ~~unleaded~~ gasoline shall meet the following specifications:

- (a) The test method for lead content shall be ASTM standard D ~~3237-79~~ 5185-97, ~~atomic absorption spectrometry~~. There shall be no intentional addition of lead compounds to ~~unleaded~~ ANY UNIFORM GRADE OF gasoline. Any single sample shall contain not more than 0.05 gram (50 milligrams) of lead per gallon.
- (b) The test method for sulfur content shall be ASTM standard D ~~2622-82~~ 5453-00, ~~x-ray spectrography~~. Sulfur shall not exceed 0.10% by weight.

R 285.564.7 Antiknock index standard.

Rule 7. (1) All uniform grades of gasoline shall meet the specified standard for antiknock index (octane) as follows:

- (a) ~~For leaded automotive gasolines, the following standards apply:~~
 - (i). ~~Subregular: not less than 87 AKI.~~
 - (ii). ~~Regular: not less than 89 AKI.~~
 - (iii). ~~Premium: not less than 93 AKI.~~
- (b) For ~~unleaded~~ automotive gasoline, the following standards apply:
 - (i). Subregular: not less than 85.0 ~~85~~-AKI.
 - (ii) Regular: not less than 87.0 ~~87~~ AKI and not less than 82.0 ~~82~~-MON.
 - (iii) MIDGRADE 88: NOT LESS THAN 88.0 AKI.
 - (iv) MIDGRADE 89: NOT LESS THAN 89.0 AKI.
 - ~~(iii)~~ (v) Premium: not less than 90.0 ~~90~~ AKI.
 - (vi) PREMIUM 91: NOT LESS THAN 91.0 AKI
 - (vii) PREMIUM 92: NOT LESS THEN 92.0 AKI
 - (viii) PREMIUM 93: NOT LESS THEN 93.0 AKI
 - (ix) PREMIUM 94: NOT LESS THEN 94.0 AKI
- (2) ~~All special grades of gasoline shall meet the specified standard for antiknock index as follows:~~
~~For leaded gasoline: not less than 95 AKI.~~
~~For unleaded gasoline: not less than 92 AKI.~~
- (3) The test method for antiknock index shall be ASTM standard D 2700-84 99 for a motor engine and ASTM standard D 2699-84 99 for a research engine.
- (4) (3) The formula for determination of the antiknock index shall be $AKI = (RON + MON) \div 2$.

285.564.8 Maximum phase separation temperature ; test method.

Rule 8. (1) The test method for maximum phase separation temperature shall be ~~as follows:~~ ASTM TEST METHOD D6422.

- (a) ~~Rinse out the sample container with some of the fuel to be tested. Drain.~~
- (b) Pour about 40 ml of the fuel into the sample container. The precise amount is not critical, but it must be enough to submerge the thermometer bulb adequately, ~~without being so much as to require an excessive amount of cooling time.~~
- (c) Seal the sample container. Locate a thermometer of the appropriate temperature range with the bulb approximately at the center of the fuel sample.
- (d) Cool the sample by intermittent immersion in or circulation of the coolant. The fuel is either stirred continuously or vigorously shaken. Starting at a temperature about 30 degrees Fahrenheit above the test temperature, cool the sample at a maximum rate of 4 degrees Fahrenheit per minute to the temperature given in table 2 for the water tolerance required. If phase separation is observed before reaching the test temperature, the cooling haze point temperature is recorded. Then the sample is allowed to warm while

being shaken frequently or stirred and a warming haze point temperature is recorded. The cooling and warming temperatures are averaged to determine the actual haze point. The cooling and warming haze point temperatures may be repeated for improved accuracy.

- (e) Report "Pass" if no separation occurs at the specified temperature for the water tolerance class required; otherwise, note the temperature for phase separation and report "Fail."
- (2) The apparatus for testing maximum phase separation temperature shall be as follows:
 - (a) The sample container shall be any glass container of about 100 ml capacity capable of accommodating a thermometer.
 - (b) The thermometers shall meet the requirements of ASTM specification E1, with a range appropriate to the test requirement.
 - (c) The cooling bath may be of similar dimensions to those specified in ASTM standard D 2500, section 4.7, and shall be provided with a jacket, disc, and gasket as specified by sections 4.4 to 4.6 of ASTM standard D2500, filled with an equal volume mixture of water and permanent antifreeze, and provided with refrigeration coils capable of reducing its temperature to minus 40 degrees Fahrenheit. Any bath of adequate size may be used.
- (3) In this test, the sample of fuel is cooled slowly to its expected use temperature and is observed for phase separation. The apparatus of ASTM standard D 2500 or a dry ice/isopropyl alcohol bath may be used. The procedure of ASTM standard D 2500, in which the sample is cooled rapidly to the test temperature by immersion in a bath that is maintained at a considerably lower temperature, shall not be used due to the large temperature gradient employed and because phase separation in gasoline containing alcohol has a relatively long but unpredictable induction period.
- (4) Some gasoline containing alcohol has a very limited ability to retain water in solution or in stable suspension. If the amount of water in the blend exceeds this limit, the fuel will separate into a lower oxygenate rich aqueous phase and an upper oxygenate lean hydrocarbon phase. The most important factor governing the ability of a specific fuel to retain water without such separation is its temperature. This test method is intended to determine the maximum temperature at which the fuel will separate. The tenth percentile 6 hour minimum temperatures or 50 degrees Fahrenheit, whichever is lower, for the time of year and geographic area of the state in which the fuel may be used are specified in this rule. These temperatures represent the maximum temperatures above which the fuel blend shall not separate into 2 distinct phases. In this test, actual separation of the sample into 2 distinct phases separated by a single common boundary, which may consist of a layer of emulsion, is the criterion for failure. Formation of a haze without such separation into distinct phases shall not be cause for rejection.

285.564.9 Reid vapor pressure test method for gasoline containing alcohol. RESCINDED.

Rule 9. (1) The test method for Reid vapor pressure for gasoline containing alcohol shall be as follows:

- (a) With everything in readiness, remove the chilled sample container from the bath, dry it with absorbent material, uncap it, and dry and insert the chilled transfer apparatus as shown in Figure 1. Quickly place the chilled fuel chamber, in an inverted position, over the sample delivery tube of the transfer apparatus. Invert the entire system rapidly so that the fuel chamber is upright, with the end of the delivery tube touching the bottom of the fuel chamber. Fill the fuel chamber to overflowing. Withdraw the delivery tube from the fuel chamber while allowing the sample to continue flowing up to the moment of complete withdrawal.
- (b) Make provision for suitable collection and disposal of the overflowing fuel to avoid a fire hazard.
- (c) Immediately remove the air chamber from the water bath and immediately dry the exterior of the chamber with absorbent material, giving particular care to the connection between the air chamber and the fuel chamber. Remove the stopper after drying and immediately couple the 2 chambers. Not more than 10 seconds shall elapse in coupling the 2 two chambers.

- ~~(d) When the air chamber is removed from the water bath, is dried, and the stopper is removed, connect it to the fuel chamber without undue movements through the air which could promote the exchange of room temperature air with the 100 degree Fahrenheit air in the chamber.~~
- ~~(e) Turn the assembled vapor pressure apparatus upside down to allow the sample in the fuel chamber to run into the air chamber. With the apparatus still inverted, shake it vigorously 8 times in a direction parallel to the length of the apparatus. With the gauge end up, immerse the assembled apparatus in the bath, maintained at 100 degrees Fahrenheit, plus or minus 0.2 degrees Fahrenheit, in an inclined position so that the connection of the fuel and air chambers is below the water level and may be carefully examined for leaks. If no leaks are observed, further immerse the apparatus to at least 1 inch above the top of the air chamber. Observe the apparatus for leakage throughout the test. Discard the test at any time a leak is detected.~~
- ~~(f) Liquid leaks are more difficult to detect than vapor leaks. Because the coupling between the chambers is normally in the liquid section of the apparatus, give the coupling particular attention.~~
- ~~(g) After the apparatus has been immersed in the bath, check the remaining sample for phase separation. If the sample is contained in a glass container, this observation can be made before sample transfer. If the sample is contained in a nontransparent container, shake the sample vigorously for 5 seconds and then immediately pour a portion of the remaining sample into a clear glass container. Immediately after shaking this sample again for 5 seconds, observe the sample for phase separation. If this sample is not clear and bright and free of a second phase, discard the test and the sample.~~
- ~~(h) After the assembled vapor pressure apparatus has been immersed in the bath for not less than 5 minutes, tap the pressure gauge lightly and observe the reading. Withdraw the apparatus from the bath and repeat the procedure specified in subdivision (e) of this subrule. At intervals of not less than 2 minutes, perform the procedure specified in subdivision (e) of this subrule until a total of not less than 5 shakings and gauge readings has been made; continue thereafter, if necessary, until the last 2 consecutive gauge readings are constant, indicating equilibrium attainment. These operations normally require 20 to 30 minutes. Read the final gauge pressure to the nearest 0.05 pounds per square inch for gauges with intermediate graduations of 0.1 pounds per square inch or less and to the nearest 0.1 pounds per square inch for gauges with graduations of 0.2 to 0.5 pounds per square inch, and record the value as the uncorrected vapor pressure of the sample. Without undue delay, remove the pressure gauge and, without attempting to remove any liquid which may be trapped in the gauge, check its reading against that of the manometer while both are subjected to a common steady pressure which is not more than 0.2 pounds per square inch different from the recorded uncorrected vapor pressure. If a difference is observed between the gauge and manometer readings, the difference shall be added to or subtracted from the uncorrected vapor pressure recorded for the sample being tested, and the resulting value shall be recorded as the vapor pressure of the sample.~~
- ~~(i) Cooling the assembly before disconnecting the gauge will facilitate disassembly and reduce the amount of hydrocarbon vapors released into the room.~~
- ~~(j) Disconnect the air chamber from the fuel chamber. Drain the sample from the air and fuel chambers as completely as possible into a dry 8 ounce clear glass bottle. Seal the bottle and shake it vigorously for 5 seconds. If the sample is clear and bright and free of a second phase, note this observation and record that the test is valid. If the sample is not clear and bright and free of a second phase, immerse the bottle in the 100 degree Fahrenheit water bath up to about 1 inch above the top of the sample level for 15 minutes in order to heat the sample to the test temperature. Remove the sample from the water bath and immediately shake it vigorously for 5 seconds and observe the sample. If the sample is not clear and bright and free of a second phase, note this observation and record that the test is not valid because of phase separation. A fuel that is not clear and bright and free of a second phase at this point of the test indicates that the fuel was contacted with sufficient water to exceed the water tolerance of the fuel during the test procedure. Water~~

can most likely get into the test chambers during preparation of the fuel and air chambers or assembly of the air and fuel chambers, especially if water baths are used for these procedures.

- ~~(k) Thoroughly purge the air chamber of residual sample by filling it with warm water above 90 degrees Fahrenheit and allowing it to drain. Repeat this purging not less than 5 times. After disconnecting the pressure gauge from its manifold connection with the manometer, remove trapped fluid in the Bourdon tube of the gauge by repeated centrifugal thrusts. This may be accomplished in the following manner: hold the gauge between the palms of the hands with the right hand on the face side and the threaded connection of the gauge forward. Extend the arms forward and upward at an angle of 45 degrees with the coupling of the gauge pointing in the same direction. Swing the arms downward through an arc of about 135 degrees so that the centrifugal force aids gravity in removing the trapped liquid. Repeat this operation 3 times to expel all liquid. Purge the pressure gauge by directing a small jet of air into its Bourdon tube for not less than 5 minutes. Rinse both chambers and sample transfer connection several times with petroleum naphtha, then several times with acetone, then blow dry using dried air. Stopper the fuel chamber and place it in the refrigerator or an ice water bath for the next test.~~
- ~~(l) If the purging of the air chamber is done in a bath, be sure to avoid small and unnoticeable films of floating sample by keeping the bottom and top openings of the chamber closed as they pass through the water surface.~~
- ~~(2) Gross errors can be obtained in vapor pressure measurements if the prescribed procedure is not followed carefully. The following precautions shall be followed:~~
 - ~~(a) Check all gauges against a manometer after each test in order to ensure high precision of results. Read all gauges while the gauges are in a vertical position and after tapping them lightly.~~
 - ~~(b) Shake the container vigorously to ensure equilibrium of the sample with the air in the container.~~
 - ~~(c) Check the apparatus before and during each test for both liquid and vapor leaks.~~
 - ~~(d) Because initial sampling and the handling of samples will greatly affect the final results, employ the utmost precaution and the most meticulous care to avoid losses through evaporation and even slight changes in composition. In no case shall any part of the apparatus itself be used as the sample container previous to actually conducting the test.~~
 - ~~(e) Thoroughly purge the pressure gauge, the fuel chamber, and the air chamber to be sure they are free of residual sample. This is most conveniently done at the end of the previous test. It is important to remove all water from the apparatus before cooling the gasoline chambers and heating the air chamber. In high humidity conditions, be alert for and avoid condensation on the transfer connection and interior walls of the apparatus.~~
 - ~~(f) Carefully observe the requirements of subrule (1)(c) of this rule.~~
 - ~~(g) Shake the apparatus vigorously as directed in subrule (1)(e) of this rule in order to insure equilibrium.~~
- ~~(3) The vapor pressure shall be reported in pounds force per square inch without references to temperature to the nearest 0.05 pounds per square inch for gauges with intermediate graduations of 0.1 pounds per square inch or less or to the nearest 0.1 pounds per square inch for gauges with graduations of 0.2 to 0.5 pounds per square inch after correcting for any difference between the gauge and manometer.~~
- ~~(4) Figure 1 reads as follows:~~
~~**** For Figure 1 see attached file labeled "Figures" ****~~
- ~~(5) The apparatus for testing the Reid vapor pressure shall be as described in annex A1 of ASTM standard D 323-82.~~
- ~~(6) Reagent grade chemicals shall be used in all tests. Other grades may be used if it is first ascertained that the reagent is of a sufficiently high purity to permit its use without lessening the accuracy of the determination. Acetone and naphtha are extremely flammable. Use with extreme caution.~~

- (7) ~~The extreme sensitivity of vapor pressure measurements to losses through evaporation and the resulting changes in composition is such as to require the utmost precaution and the most meticulous care in the handling of samples. All of the following provisions apply to all samples for vapor pressure determinations:~~
- ~~(a) The size of the sample container from which the vapor pressure sample is taken shall be 1 liter (1 qt.). It will be 70 to 80% filled with the sample.~~
 - ~~(b) Determine vapor pressure as the first test run on a sample. Do not withdraw more than 1 sample from the sample container for this test.~~
 - ~~(c) Protect samples from excessive heat before testing.~~
 - ~~(d) Do not test samples in leaky containers. Discard them and obtain new samples.~~
 - ~~(e) Discard samples that have separated into 2 phases and obtain new samples.~~
 - ~~(f) In all cases, cool the sample container and contents to 32 to 34 degrees Fahrenheit before the container is opened. To insure sufficient time to reach this temperature, directly measure the temperature of a similar liquid in a like container placed in the cooling bath at the same time as the sample.~~
- (8) ~~To prepare for the test, all of the following provisions shall be complied with:~~
- ~~(a) With the sample at a temperature of 32 to 34 degrees Fahrenheit, take the container from the cooling bath, wipe dry with an absorbent material, unseal it, and examine its ullage. The sample content, as determined by use of a suitable gauge, shall be equal to 70 to 80% of the container capacity. Discard the sample if its volume is less than 70% of the container capacity. If the container is more than 80% full, pour out enough sample to bring the container contents within the 70 to 80% range. Any sample which is poured out shall not be returned to the container.~~
 - ~~(b) With the sample again at a temperature of 32 to 34 degrees Fahrenheit, take the container from the cooling bath; wipe it dry with an absorbent material; unseal it momentarily, taking care to prevent water entry; reseal it; and shake it vigorously. Return it to the bath for a minimum of 2 minutes. Repeat the procedure 2 additional times. Return the sample to the bath and keep it there until the beginning of the procedure.~~
 - ~~(c) Observe the apparatus preparation procedure of subrule (1)(k) of this rule, then store the stoppered fuel chamber and the sample transfer connection in a refrigerator or ice water bath for a sufficient time to allow the chamber and the connection to reach a temperature of 32 to 34 degrees Fahrenheit. If an ice water bath is used, keep the chamber upright and not immersed over the top of the coupling threads. The transfer connection is inserted into a plastic bag to keep it completely dry during cooling.~~
 - ~~(d) Observe the apparatus preparation procedure of subrule (1)(k) of this rule. Connect the gauge to the air chamber and close the lower opening securely with a dry no. 6 1/2 rubber stopper. Make sure the stopper is inserted far enough to securely close the vent hole in the air chamber connection. Immerse the air chamber to at least 1 inch above it stop in the water bath maintained at 100 degrees Fahrenheit, plus or minus 0.02 degrees Fahrenheit, for not less than 20 minutes. Do not remove the air chamber from the water bath until the fuel chamber has been filled with the sample as described in subrule (1)(a) of this rule.~~
- (9) ~~This method covers the determination of the absolute vapor pressure of gasolines containing alcohol. Because the external atmospheric pressure is counteracted by the atmospheric pressure initially present in the air chamber, the vapor pressure is an absolute pressure at 100 degrees Fahrenheit in pounds force per square inch. This vapor pressure differs from the true vapor pressure of the sample due to some small sample vaporization and the presence of air in the confined space. The fuel chamber of the vapor pressure apparatus is filled with the chilled sample and connected to the air chamber at 100 degrees Fahrenheit. The apparatus is immersed in a bath at 100 degrees Fahrenheit and is shaken periodically until a constant pressure is observed on the gauge attached to the apparatus. The gauge reading, suitably corrected, is reported as the vapor pressure.~~

285.564.10 Vapor/liquid test method for gasoline containing alcohol or ether.

Rule 10. (1) The test method for vapor/liquid for gasoline containing alcohol or ether, or both, shall be D 5188-99 as follows: .

- ~~(a) Read and record the barometric pressure.~~
- ~~(b) With the vapor/liquid buret at room temperature or somewhat above and everything in readiness, carry out the following steps as quickly as possible. Take the container from the water cooling bath, wipe dry with an absorbent material, open it, tip it so as to reach the liquid with the hypodermic syringe needle, and partially fill the syringe. Point the needle upward and dispel the contents to eliminate all air bubbles. Immediately refill the syringe from the sample container and check for air or vapor in the syringe.~~
- ~~(c) Mercury in the buret may be somewhat above room temperature due to warming in the previous test, but shall not be so warm as to cause the sample to vaporize when injected. Mercury may be harmful or fatal if inhaled or swallowed.~~
- ~~(d) Vapor may form if the sample is drawn in too rapidly. If this happens, repeat the sampling with a clean, chilled syringe.~~
- ~~(e) Depress the plunger exactly to the mark for the sample size desired, then, taking care not to disturb the plunger position, insert the needle through the rubber septum full length into the vapor/liquid buret. Depress the plunger all the way to inject the sample and withdraw the needle. Use a 1 ml sample if the highest vapor/liquid ratio expected for the sample is less than 35. For higher vapor/liquid ratios, use a smaller sample sufficient to give 20 to 35 ml of vapor at the highest temperature to be tested.~~
- ~~(f) Record the volume of sample charged, corrected by means of the calibration specified in subrule (8)(a) and (b) of this rule.~~
- ~~(g) Transfer the charged buret to the water bath set at the desired temperature and position the buret so that the water level comes above the stopcock barrel.~~
- ~~(h) As vapor forms in the buret, adjust the height of the leveling bulb to give the desired pressure, normally 760 mm mercury, on the sample. Raise the level of mercury in the reservoir 1.0 mm above the level in the buret for every millimeter of mercury that the barometric pressure is below the desired pressure or lower it by a like amount for every millimeter that the barometric pressure is above the desired pressure.~~
- ~~(i) With some narrow boiling gasoline fractions, super heating may occur and no vapors are formed in the buret, even after immersion for as long as 15 minutes or more. When vaporization takes place, it does so rapidly and sometimes explosively. With these samples, it is recommended that injection be carried out with warm mercury in the buret so that a few milliliters of vapor are formed immediately after injection. The temperature of the mercury is dependent on the sample composition, but in general shall not be more than 50 degrees Fahrenheit above ambient.~~
- ~~(j) If the difference between the atmospheric pressure in the laboratory and the pressure for which the vapor/liquid measurement is desired is too great for convenient correction by means of the leveling bulb alone, use the mercury filled manometer described in subrule (6)(e) of this rule to set the pressure. Keep the level of mercury in the leveling bulb the same as that in the buret and apply pressure or vacuum gently to the air space in the leveling bulb as needed to obtain the desired pressure on the manometer.~~
- ~~(k) Without removing the buret from the water bath, shake it sufficiently to agitate the liquid sample, but not so vigorously as to disperse droplets of sample into the mercury. Readjust the height of the leveling bulb, if necessary, to give the desired pressure in the sample. Because of mercury's high density, the use of a cathetometer or similar optical leveling device has been found necessary to minimize pressure errors.~~
- ~~(l) Read the volume of vapor to the nearest 0.1 ml. Repeat until the volume remains constant for not less than 2 minutes. Record the volume, corrected by means of the calibration specified in subrule (8)(a) and (b) of this rule, the bath temperature, and the pressure.~~

- ~~(m) Any spilled mercury, and any that may be purged from the equipment, shall be placed in an airtight closed vessel. This recovered mercury may be sent to a reprocessor, who can provide shipping instructions. Names of mercury reprocessors are available from ASTM headquarters. To minimize spillage, a catch pan that is large enough to contain all the mercury in case of failure shall be placed under the apparatus.~~
- ~~(n) If the vapor/liquid ratio is also desired at another temperature, either adjust the temperature of the bath accordingly or transfer the buret to another bath at the desired temperature. Repeat the operations described in subdivisions (h) and (k) of this subrule.~~
- ~~(2) For each determination, calculate the vapor/liquid ratio as follows:
Vapor/liquid ratio = A/B where:
A = volume of vapor, ml, and
B = volume of sample charged, ml~~
- ~~(3) Report the vapor/liquid ratio to the nearest 0.1 unit and the corresponding temperature in degrees Fahrenheit to 0.1 degrees. Also report the pressure in millimeters of mercury if other than 760. If not reported, the pressure is understood to be 760 mm mercury.~~
- ~~(4) If vapor/liquid ratios have been determined at a series of not less than 3 temperatures, and if values at intermediate temperature or temperatures for intermediate vapor/liquid ratios are desired, proceed as follows: Plot the experimental results in the form of a curve of vapor/liquid ratio versus temperature, smoothing if necessary, on graph paper which can be read easily to 0.1 vapor/liquid and 0.2 degrees Fahrenheit. Read from this curve the desired intermediate vapor/liquid and temperature values. Report vapor/liquid, temperature, and pressure as prescribed in subrule (3) of this rule, but accompany the result with the word "interpolated." Thus, for example, report "vapor/liquid = 15.0 interpolated at 127.6 degrees Fahrenheit" or "vapor/liquid = 12.3 interpolated at 125.0 degrees Fahrenheit and 665 mm mercury."~~
- ~~(5) Figures 2 and 3 are as follows:
*** For Figures 2 and 3 see attached file labeled "Figures" ****~~
- ~~(6) The apparatus for testing vapor/liquid ratio shall be as follows:~~
 - ~~(a) The vapor/liquid buret shall be constructed of borosilicate glass according to the dimensions shown in figure 2. The short bottom arm is closed with a rubber serum bottle stopper, United States Army medical corps type.~~
 - ~~(b) There shall be a 250-ml leveling bulb which contains mercury and which is attached to the vapor/liquid buret by rubber tubing as shown in figure 3. The top of the leveling bulb shall be fitted with a drying tube containing mercury vapor absorbent packed between balls of glass wool. This drying tube is used to minimize the escape of mercury vapor.~~
 - ~~(c) A cathetometer or similar optical leveling device is suitable for measuring the difference in liquid level between the vapor/liquid buret and the leveling bulb. A millimeter scale may be used to provide a rough estimate.~~
 - ~~(d) The barometer shall be accurate to 0.5 mm mercury.~~
 - ~~(e) A mercury manometer with 1-mm divisions is required only for measurements at pressures appreciably above or below the prevailing atmospheric pressure. The manometer shall be connected with rubber tubing to 1 arm of a glass T tube, the other arms of which shall be connected to the top of the mercury leveling bulb and to a stopcock or pinch clamp.~~
 - ~~(f) The water bath shall be glass, not less than 10.5 inches deep, stirred and thermostatically controlled, capable of being adjusted to any temperature between 100 degrees Fahrenheit and 180 degrees Fahrenheit, and shall maintain the water temperature within plus or minus 0.2 degrees Fahrenheit of the desired temperature.~~

- ~~(g) The thermometers shall be precision thermometers having ranges from 77 to 131 degrees Fahrenheit and 122 to 176 degrees Fahrenheit.~~
- ~~(h) The cooling bath shall contain ice and water at 32 to 36 degrees Fahrenheit.~~
- ~~(i) The hypodermic syringe shall be 0.5 and 1.0 ml Hamilton syringes with Chaney adaptors, fitted with a no. 20 gauge, 2 inch needle.~~
- ~~(j) The calibration accessories shall include an analytical balance accurate to at least 1 mg, a capillary stopcock, and weighing vials. A calibration stopper for the vapor/liquid buret stopcock, that is, an extra 3-way solid stopcock stopper with an outlet through the end of the stopper, is convenient during calibration.~~
- ~~(7) Take precautions against loss of volatile material in the sample. The extreme sensitivity of the vapor/liquid ratio to losses through evaporation and to slight changes in composition is such as to require the utmost precaution and the most meticulous care in the handling of samples. Except for the vapor pressure, the vapor/liquid ratio shall be the first test to be run on a sample.~~
- ~~(8) All of the following provisions apply to the test method for vapor/liquid ratio determination:~~
 - ~~(a) The vapor/liquid buret and the hypodermic syringe shall be calibrated and the subsequent experimental readings shall be corrected from the calibration curves obtained.~~
 - ~~(b) Fill the hypodermic syringe with air free distilled water at 77degrees Fahrenheit, expel any air bubbles, and depress the plunger exactly to a calibration mark. Discharge the contents, to the bottom of plunger travel, into a weighing vial and weigh. Repeat at 0.2 ml intervals from 0.2 to 1.0 ml and average the results from 2 or more determinations. Calculate the volumes at 32 degrees Fahrenheit from the average weights of water and prepare a calibration curve.~~
 - ~~(c) One gram of water at 77 degrees Fahrenheit equals 1.0036 ml volume at 32 degrees Fahrenheit in resistance glass or 1.0038 ml volume at 32degrees Fahrenheit in borosilicate glass.~~
 - ~~(d) Clean the vapor/liquid buret thoroughly, rinse with distilled water, attach a capillary stopcock with rubber tubing snug to the side arm, and fill the system completely with air free distilled water at 77 degrees Fahrenheit. Calibrate at 5 ml intervals starting from the bottom of the buret stopcock by weighing water drained through the capillary stopcock into weighing vials. Repeat and average for 2 or more determinations. Calculate the volumes at 122 degrees Fahrenheit from the weights of water and prepare a calibration curve.~~
 - ~~(e) Use of the calibration stopper described in subrule (6)(j) of this rule, facilitates setting the water level at the bottom of the stopcock.~~
 - ~~(f) One gram of water at 77 degrees Fahrenheit equals 1.0042 ml volume at 122 degrees Fahrenheit in borosilicate glass.~~
- ~~(9) To summarize this method, a measured volume of liquid fuel at 32 to 40 degrees Fahrenheit is introduced through a rubber septum into a mercury filled buret. The charged buret is placed in a temperature controlled water bath. The volume of vapor in equilibrium with liquid fuel is measured at the desired temperature or temperatures and the specified pressure, usually 760 mm mercury. The vapor/liquid ratio is then calculated. If it is desired to know the temperature corresponding to a given vapor/liquid, the vapor/liquid ratio is determined at several temperatures and the selected pressure. The results are plotted and the temperature read at the given vapor/liquid. The tendency of a fuel to vaporize in common automobile fuel systems is indicated by the vapor/liquid ratio of that fuel at conditions approximating those in critical parts of the fuel systems. ASTM standard D 2533-82 is not applicable to fuels containing alcohol, ethers, or other compounds soluble in glycerine. This test method substitutes mercury for glycerine as the confining fluid. A relationship between the vapor/liquid ratio of gasoline containing alcohol or ether and vehicle performance has not been determined.~~
- ~~(10) To prepare for the test, all of the following provisions shall be complied with:~~

- ~~(a) Before assembly, thoroughly clean and dry all the equipment, including burets, hypodermic syringes, leveling bulbs, and connecting tubing. Lubricate the buret stopcock with high vacuum silicone stopcock grease and attach a spring or rubber band to hold securely in place. Thereafter, to clean the buret between tests, rinse thoroughly by flushing with water, then with acetone, and dry with air. Clean the hypodermic syringe and needle with acetone and dry in an air stream. Acetone is extremely flammable. Use with extreme caution.~~
- ~~(b) If a film is noted in the buret, clean it further with chromic acid solution. Chromic acid is a strong oxidizer and a recognized carcinogen. It causes severe burns and in contact with organic material may cause fire.~~
- ~~(c) Connect the leveling bulb to the buret with rubber tubing, fill the bulb with mercury at room temperature, and attach the drying tube containing the mercury vapor absorbent. Fill the buret by raising the leveling bulb. Move the buret up and down to work all air bubbles from the tubing and rubber septum attachment. Raise the mercury level in the buret up through the stopcock and close the stopcock. It is not necessary to completely recharge the apparatus with mercury for subsequent tests. After each test, open the stopcock, lower the leveling bulb, and allow all but a few milliliters of the mercury to flow back into it. Apply a pinch clamp to the rubber tubing as near the buret as possible and remove the buret, to be cleaned for another test. Remove the pinch clamp and dispel a small portion of mercury from the end of the tubing before attaching it to a clean buret. Fill the buret and dispel air bubbles as before. Add mercury to the leveling bulb as needed.~~
- ~~(d) Assemble the syringe and needle and insert the needle tip in a small rubber stopper. Cover with drained chipped ice or chill by other means to 32 to 36 degrees Fahrenheit.~~
- ~~(e) With the sample at a temperature of 32 to 40 degrees Fahrenheit, take the container from the water cooling bath, wipe dry with an absorbent material, unseal it, and examine it for its liquid content, which shall be between 70 and 80% of the container capacity. After the correct liquid content has been assured, reseal the container, shake it vigorously, and return it to the water cooling bath.~~
- ~~(f) Adjust the water bath to the desired test temperature and maintain at that temperature plus or minus 0.2 degrees Fahrenheit.~~

285.564.11 ASTM standards; adoption by reference.

Rule 11. (1) The department adopts the following standards of the ASTM for gasoline (OR AN ASTM METHOD APPROVED BY THE DEPARTMENT):

- (a) D 86 – 82 00.
- (b) D 130 – 83 94.
- (c) D 323—82 6378-99-1.
- (d) D 381 – 80 99.
- (e) D 2533—82-5188-99.
- (f) D 2622—82 5453-00.
- (g) D 2699 – 84 99.
- (h) D 2700 – 84 99.
- (i) D 3237—79 5599-95.

(2) Copies of these standards may be obtained, at actual printing and mailing cost, by writing to the Department of Agriculture, Food Division, P.O. Box 30017, Lansing, Michigan 48909 Laboratory Division, 940 Venture Lane, Williamston, Michigan 48895, or, for a fee as specified in this subrule, from the ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103 100 Barr Harbor Drive, W. Conshohocken, PA 19428-2959. The ASTM standards are composed of volumes priced as follows:

Volume 05.01: D 56 to D 1660.....\$69.00-\$186.00.
 Volume 05.02: D 1661 to D 2896.....\$69.00 \$207.00.

Volume 05.03: D 2981 to latest.....~~\$79.00~~ \$196.00.

~~Most ASTM standards are available as separate copies as follows:~~

~~1 to 32 pages.....\$ 8.00.~~

~~33 to 64 pages.....\$10.00.~~

~~65 or more pages.....\$12.00.~~

R 285.564.13 Waivers granted by United States environmental protection agency; listing.

Rule 13. Gasoline which does not meet the specifications established in R 285.564.4 (c) and (f), but which is permitted by the United States environmental protection agency by regulatory citation at 44 F.R. p. 20777(April 6, 1979) or 47 F.R. p. 14596 (April 5, 1982) pursuant to section 211(f)(4) of the clean air act, 42 U.S.C. S7545, and leaded gasoline made under the same formula with leaded gasoline substituted for unleaded gasoline may be marketed and graded as ~~1 of the 6 uniform or 2 special grades~~ based upon the AKI. Gasoline marketed under such a valid waiver shall be listed with the department. The listing shall state the gasoline brand name and the grade specification and shall include proof of a valid waiver, a copy of the complete fuel specification, and a copy of the complete test results indicating the fuel meets the specifications.

NOTICE OF PUBLIC HEARING

ORR # 2002-054

DEPARTMENT OF AGRICULTURE

LABORATORY DIVISION

The Michigan Department of Agriculture, Laboratory Division, will conduct a public hearing on proposed amendments to Regulation 564, Automotive Gasoline Purity, Additives, and Grading. The rules are being amended to comply with the Motor Fuels Quality Law.

The public hearing will be held November 21, 2002 beginning at 10:00 am, at the E.C. Heffron Metrology Laboratory, 940 Venture Lane, Williamston, MI 48895.

The proposed rules identified as 2002-054AC, can be downloaded from the internet through the Office of Regulatory Reform at www.migov.state.mi.us/rules/orr. Copies of the proposed rules may also be obtained by contacting:

Motor Fuels Quality Program
Michigan Department of Agriculture
E. C. Heffron Metrology Lab
940 Venture Lane
Williamston, MI 48895

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the Motor Fuels Quality Program at the address above. Written comments must be received by November 25, 2002.

Persons needing accommodations for effective participation in the meeting should contact the Motor Fuels Quality Program at (517) 655-8202, a week in advance to request mobility, visual, hearing, or other assistance.

Promulgation of these rules is pursuant to the authority conferred on the director of Agriculture by section 3 of Act No. 44 of the Public Acts of 1984, as amended, being section 290.643, et. seq., of the Michigan Compiled Laws, also known as the Michigan Motor Fuels Quality Act. These rules become effective 15 days after filing with the Secretary of State.

Date:

Dan Wyant, Director

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

The Table of Enrolled Senate and House Bills Signed Into Law or Vetoed (2002 Session) is unchanged from the table appearing in Michigan Register 2002, MR 18.

MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 RULE FILINGS)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
281.1224	*	3	285.408.24	R	12	285.1302	*	6
285.351	N	4	285.408.25	R	12	285.1303	*	6
285.352	N	4	285.408.27	R	12	285.1304	*	6
285.353	N	4	285.408.29	R	12	285.1306	*	6
285.354	N	4	285.409.1	R	12	285.1307	*	6
285.355	N	4	285.636.1	*	13	285.1308	*	6
285.356	N	4	285.636.2	*	13	285.1309	*	6
285.400.1	R	12	285.636.3	*	13	285.1310	*	6
285.402.1	R	12	285.636.4	*	13	285.1311	*	6
285.404.1	R	12	285.636.5	*	13	285.1312	*	6
285.405.1	R	12	285.636.7	*	13	285.1313	*	6
285.407.1	R	12	285.636.8	*	13	285.1314	*	6
285.407.2	R	12	285.636.10	R	13	285.1315	*	6
285.407.3	R	12	285.636.12	*	13	285.1316	*	6
285.407.4	R	12	285.636.15	*	13	285.1317	*	6
285.407.5	R	12	285.808.1	*	8	285.1318	*	6
285.407.6	R	12	285.808.2	*	8	285.1319	*	6
285.408.1	R	12	285.812.1	*	13	285.1320	*	6
285.408.2	R	12	285.812.3	*	13	285.1321	*	6
285.408.3	R	12	285.812.4	*	13	285.1322	*	6
285.408.4	R	12	285.812.6	*	13	285.1323	*	6
285.408.5	R	12	285.812.6a	R	13	285.1324	*	6
285.408.2	R	12	285.812.7a	*	13	285.1325	*	6
285.408.5	R	12	285.814.1	*	8	285.1326	*	6
285.408.6	R	12	285.814.2	*	8	285.1327	*	6
285.408.7	R	12	285.814.3	*	8	285.1328	*	6
285.408.8	R	12	285.814.4	*	8	285.1329	*	6
285.408.9	R	12	285.814.5	*	8	285.1330	*	6
285.408.10	R	12	285.814.7	*	8	285.1331	*	6
285.408.11	R	12	285.820.1	*	8	285.1332	*	6
285.408.12	R	12	285.820.5	*	8	285.1401	*	6
285.408.13	R	12	285.820.6	*	8	285.1402	R	6
285.408.14	R	12	285.1101	*	6	285.1403	*	6
285.408.15	R	12	285.1102	*	6	285.1404	R	6
285.408.16	R	12	285.1103	*	6	285.1405	*	6
285.408.17	R	12	285.1104	*	6	285.1406	*	6
285.408.18	R	12	285.1201	*	6	285.1407	R	6
285.408.19	R	12	285.1202	*	6	285.1408	*	6
285.408.21	R	12	285.1203	*	6	285.1501	*	6
285.408.23	R	12	285.1301	*	6	285.1510a	A	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
285.1502	*	6	291.304	*	8	291.375	*	8
285.1503	*	6	291.311	*	8	291.377	*	8
285.1504	*	6	291.312	*	8	291.378	*	8
285.1505	*	6	291.313	*	8	291.379	*	8
285.1506	*	6	291.314	*	8	291.381	*	8
285.1507	*	6	291.315	*	8	291.391	*	8
285.1508	*	6	291.316	*	8	291.392	*	8
285.1509	*	6	291.317	*	8	291.393	*	8
285.1510	*	6	291.318	*	8	291.394	*	8
285.1511	*	6	291.319	*	8	291.395	*	8
285.1512	*	6	291.321	*	8	291.397	*	8
285.1513	*	6	291.322	*	8	291.398	*	8
285.1514	*	6	291.331	*	8	291.399	*	8
285.1515	*	6	291.332	*	8	291.400a	A	8
285.1516	R	6	291.333	*	8	291.401	*	8
285.1517	*	6	291.334	*	8	291.402	*	8
285.1601	R	6	291.335	*	8	291.403	*	8
285.1602	*	6	291.336	*	8	291.404	*	8
285.1603	*	6	291.337	*	8	291.405	*	8
285.1604	*	6	291.338	*	8	291.407	A	8
285.1605	*	6	291.339	*	8	291.413	*	8
285.1606	*	6	291.341	*	8	291.422	*	8
285.1607	*	6	291.342	*	8	291.423	*	8
285.1608	R	6	291.343	*	8	291.424	A	8
285.1609	R	6	291.344	*	8	291.425	*	8
285.1701	*	6	291.345	*	8	291.426	*	8
285.1702	*	6	291.346	*	8	291.427	*	8
285.1703	*	6	291.347	*	8	291.441	*	8
285.1704	*	6	291.351	*	8	291.442	*	8
285.1705	*	6	291.352	*	8	291.443	*	8
285.1801	*	6	291.353	*	8	291.449	*	8
285.1901	*	6	291.354	*	8	291.450	*	8
285.1902	*	6	291.355	*	8	291.471	*	8
285.1903	*	6	291.356	*	8	291.472	R	8
285.1904	*	6	291.357	*	8	291.473	R	8
285.1905	*	6	291.358	*	8	291.475	R	8
285.1906	*	6	291.359	*	8	291.476	R	8
285.1907	*	6	291.360	*	8	291.478	R	8
291.301	*	8	291.363	*	8	291.479	R	8
291.303	*	8	291.365	*	8	291.480	R	8

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R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
291.491	*	8	318.122	*	13	325.11506	*	10
291.492	*	8	318.123	*	13	325.35001	A	18
291.493	*	8	318.124	*	13	325.35002	A	18
291.494	*	8	318.126	R	13	325.35003	A	18
291.495	R	8	318.127	*	13	325.35004	A	18
291.496	*	8	318.129	*	13	325.35005	A	18
291.497	*	8	318.133	*	13	325.35006	A	18
299.641	R	12	318.134	*	13	325.35007	A	18
299.642	R	12	318.135	R	13	325.35008	A	18
299.643	R	12	318.136	*	13	325.35009	A	18
299.644	R	12	318.141	*	13	325.35010	A	18
299.645	R	12	318.142	*	13	325.35011	A	18
299.646	R	12	318.143	*	13	325.60151	*	1
299.647	R	12	318.144	*	13	325.60701	A	14
299.648	R	12	318.145	*	13	325.60702	A	14
299.649	R	12	318.145b	*	13	325.60703	A	14
299.650	R	12	318.146	*	13	325.60704	A	14
299.651	R	12	318.147	R	13	325.66201	A	4
299.652	R	12	325.10103	*	10	325.77101	*	1
299.653	R	12	325.10105	*	10	336.1102	*	10
299.654	R	12	325.10106	*	10	336.1104	*	10
299.655	R	12	325.10107	*	10	336.1105	*	10
299.656	R	12	325.10108	*	10	336.1107	*	10
299.657	R	12	325.10109	*	10	336.1108	*	10
299.658	R	12	325.10112	*	10	336.1113	*	10
299.659	R	12	325.10116	A	10	336.1118	*	10
299.1027	*	12	325.10410	*	10	336.1120	*	10
318.111	*	13	325.10604c	*	10	336.1301	*	5
318.112	R	13	325.10604f	*	10	336.1303	*	5
318.113	R	13	325.10705	*	10	336.1330	*	5
318.114	R	13	325.10710	*	10	336.1331	*	5
318.115	R	13	325.10710a	*	10	336.1371	*	5
318.116	R	13	325.10710b	*	10	336.1372	*	5
318.117	R	13	325.10710c	*	10	336.1374	*	5
318.118	R	13	325.10710d	*	10	336.1401	*	5
318.119a	R	13	325.10716	*	10	336.1403	*	5
318.119c	R	13	325.10717b	*	10	336.1601	*	5
318.119d	R	13	325.10734	*	10	336.1602	*	5
318.120	R	13	325.10736	R	10	336.1604	*	5
318.121	*	13	325.10738	R	10	336.1605	*	5

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336.1606	*	5	336.2021	*	5	338.3161	*	7
336.1607	*	5	336.2040	*	5	338.3162	*	7
336.1608	*	5	336.2041	*	5	338.3162a	*	7
336.1610	*	5	336.2060	*	5	338.3163	*	7
336.1615	*	5	336.2101	*	5	338.3167	*	7
336.1616	*	5	336.2150	*	5	338.3168	*	7
336.1617	*	5	336.2155	*	5	338.3169	*	7
336.1618	*	5	336.2159	*	5	338.3170	*	7
336.1619	*	5	336.2170	*	5	339.22101	*	16
336.1622	*	5	336.2175	*	5	339.22103	*	16
336.1623	*	5	336.2189	*	5	339.22201	*	16
336.1627	*	5	336.2190	*	5	339.22203	*	16
336.1628	*	5	338.1555	A	1	339.22205	*	16
336.1629	*	5	338.3101	*	7	339.22207	*	16
336.1630	*	5	338.3102	*	7	339.22209	*	16
336.1631	*	5	338.3113	*	7	339.22211	*	16
336.1651	*	5	338.3113a	*	7	339.22213	*	16
336.1701	*	5	338.3114a	*	7	339.22215	*	16
336.1702	*	5	338.3117	*	7	339.22301	*	16
336.1703	*	5	338.3119a	*	7	339.22305	*	16
336.1704	*	5	338.3120	*	7	339.22307	*	16
336.1705	*	5	338.3121a	A	7	339.22309	*	16
336.1901	*	5	338.3123	*	7	339.22310	A	16
336.1906	*	5	338.3125	*	7	339.22311	*	16
336.1911	*	5	338.3126	A	7	339.22313	*	16
336.1915	A	10	338.3127	*	7	339.22315	*	16
336.1916	A	10	338.3132	*	7	339.22317	*	16
336.1930	*	5	338.3133	R	7	339.22321	*	16
336.1931	*	5	338.3134	R	7	339.22323	*	16
336.1932	*	5	338.3136	*	7	339.22325	*	16
336.2001	*	5	338.3138	*	7	339.22333	*	16
336.2002	*	5	338.3139	*	7	339.22339	*	16
336.2003	*	5	338.3141	*	7	339.22401	*	16
336.2004	*	5	338.3143	*	7	339.22515	*	16
336.2005	*	5	338.3145	*	7	339.22519	*	16
336.2007	*	5	338.3151	*	7	339.22523	*	16
336.2011	*	5	338.3152	*	7	339.22525	R	16
336.2012	*	5	338.3153	*	7	339.22527	*	16
336.2013	*	5	338.3153a	*	7	339.22601	*	16
336.2014	*	5	338.3154	*	7	339.22602	A	16

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R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
339.22604	A	16	340.1704	R	11	340.1725f	A	11
339.22605	A	16	340.1705	*	11	340.1732	*	11
339.22609	*	16	340.1706	*	11	340.1733	*	11
339.22613	*	16	340.1707	*	11	340.1734	*	11
339.22631	*	16	340.1708	*	11	340.1736	R	11
339.22633	R	16	340.1709	*	11	340.1737	R	11
339.22635	R	16	340.1709a	A	11	340.1738	*	11
339.22637	R	16	340.1710	*	11	340.1739	*	11
339.22651	*	16	340.1711	*	11	340.1740	*	11
339.22654	A	16	340.1713	*	11	340.1741	*	11
339.22655	*	16	340.1714	*	11	340.1742	*	11
339.22659	*	16	340.1715	*	11	340.1743	*	11
339.22661	R	16	340.1716	A	11	340.1744	*	11
339.22663	*	16	340.1721	*	11	340.1745	*	11
339.22664	A	16	340.1721a	*	11	340.1746	*	11
339. 22337	*	16	340.1721b	*	11	340.1747	*	11
339.23101	*	9	340.1721c	*	11	340.1748	*	11
339.23103	*	9	340.1721d	*	11	340.1749	*	11
339.23201	*	9	340.1721e	*	11	340.1749a	*	11
339.23203	*	9	340.1722	*	11	340.1749b	*	11
339.23207	*	9	340.1722a	*	11	340.1749c	*	11
339.23301	*	9	340.1722c	R	11	340.1750	*	11
339.23303	*	9	340.1722d	R	11	340.1751	*	11
339.23307	*	9	340.1722e	*	11	340.1753	R	11
339.23309	*	9	340.1722f	R	11	340.1754	*	11
339.23311	*	9	340.1723	R	11	340.1755	*	11
339.23317	*	9	340.1723a	R	11	340.1756	*	11
339.23319	*	9	340.1723b	R	11	340.1757	*	11
339.23321	*	9	340.1723c	*	11	340.1758	*	11
339.23323	*	9	340.1724	*	11	340.1771	*	11
339.23326	A	9	340.1724a	*	11	340.1772	*	11
339.23401	*	9	340.1724b	R	11	340.1773	R	11
339.23403	*	9	340.1724c	A	11	340.1774	A	11
339.23405	*	9	340.1724d	*	11	340.1781	*	11
340.1701	*	11	340.1725	R	11	340.1782	*	11
340.1701a	*	11	340.1725a	R	11	340.1783	*	11
340.1701b	*	11	340.1725b	R	11	340.1783a	A	11
340.1701c	A	11	340.1725c	R	11	340.1784	R	11
340.1702	*	11	340.1725d	R	11	340.1785	R	11
340.1703	R	11	340.1725e	*	11	340.1786	*	11

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340.1788	*	11	340.1861	*	11	408.11855	*	7
340.1790	*	11	340.1862	R	11	408.11857	*	7
340.1791	R	11	340.1863	R	11	408.11859	*	7
340.1792	*	11	340.1864	R	11	408.11861	*	7
340.1793	*	11	340.1865	R	11	408.11865	*	7
340.1793a	A	11	340.1866	R	11	408.11871	*	7
340.1794	R	11	340.1867	R	11	408.11872	*	7
340.1795	*	11	340.1868	R	11	408.11873	A	7
340.1796	*	11	340.1869	R	11	408.11874	A	7
340.1797	*	11	340.1870	R	11	408.11875	*	7
340.1798	*	11	340.1871	R	11	408.30429a	A	19
340.1799	*	11	340.1872	R	11	408.30551	A	19
340.1799a	*	11	340.1873	R	11	408.30552	A	19
340.1799b	*	11	390.1801	*	19	408.30553	A	19
340.1799c	*	11	408.8151	*	13	408.30554	A	19
340.1799d	R	11	408.11801	*	7	408.30555	A	19
340.1799e	A	11	408.11803	*	7	408.30556	A	19
340.1799f	A	11	408.11804	*	7	408.30557	A	19
340.1801	*	11	408.11805	*	7	408.30558	A	19
340.1802	*	11	408.11806	*	7	408.30559	A	19
340.1803	*	11	408.11807	A	7	408.30560	A	19
340.1805	R	11	408.11808	A	7	408.30561	A	19
340.1806	R	11	408.11821	*	7	408.30562	A	19
340.1808	*	11	408.11822	*	7	408.30563	A	19
340.1809	*	11	408.11824	*	7	408.30564	A	19
340.1810	*	11	408.11825	*	7	408.30565	A	19
340.1811	*	11	408.11826	R	7	408.30566	A	19
340.1812	*	11	408.11827	A	7	408.30567	A	19
340.1831	*	11	408.11833	A	7	408.30568	A	19
340.1832	*	11	408.11835	*	7	408.30569	A	19
340.1833	*	11	408.11837	R	7	408.30570	A	19
340.1834	R	11	408.11841	*	7	408.30571	A	19
340.1835	*	11	408.11843	*	7	408.30572	A	19
340.1836	*	11	408.11844	A	7	408.30573	A	19
340.1837	*	11	408.11845	*	7	408.30574	A	19
340.1838	*	11	408.11847	*	7	408.30575	A	19
340.1839	*	11	408.11851	*	7	408.30576	A	19
340.1851	*	11	408.11852	*	7	408.30577	A	19
340.1852	*	11	408.11853	*	7	408.40114	*	14

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408.40128	*	14	408.42622	A	17	418.10909	A	1
408.40132	*	14	408.42623	R	17	418.10912	*	1
408.40133	*	14	408.42626	A	17	418.10916	*	1
408.40134	A	14	408.42628	A	17	418.10918	R	1
408.41801	*	17	408.42629	A	17	418.10923	*	1
408.41802	A	17	408.42630	R	17	418 101005	A	1
408.41836	*	17	408.42632	R	17	421.121	*	7
408.41837	*	17	408.42634	A	17	421.122	*	7
408.41838	*	17	408.42636	A	17	421.150	*	7
408.41841	*	17	408.42638	A	17	421.190	*	7
408.41842	*	17	408.42640	*	17	421.201	*	7
408.41851	*	17	408.42642	R	17	421.204	*	7
408.41852	*	17	408.42643	A	17	421.216	*	7
408.41853	*	17	408.42644	A	17	421. 210	*	7
408.41861	*	17	408.42645	A	17	421.1101	*	17
408.41863	*	17	408.42646	A	17	421.1103	*	17
408.41864	*	17	408.42648	A	17	421.1110	*	17
408.41866	*	17	408.42650	R	17	421.1111	*	17
408.41868	*	17	408.42651	A	17	421.1203	*	17
408.41869	*	17	408.42653	A	17	421.1208	*	17
408.41871	*	17	408.42654	R	17	421.1304	*	17
408.41875	*	17	408.42655	A	17	421.1305	*	17
408.41876	*	17	408.42656	R	17	421.1307	*	17
408.41877	*	17	418.101002	*	1	423.101	A	1
408.41884	*	17	418.10107	*	1	423.102	A	1
408.42601	*	17	418.10115	*	1	423.103	A	1
408.42602	A	17	418.10116	*	1	423.104	A	1
408.42604	A	17	418.10117	*	1	423.105	A	1
408.42605	A	17	418.10202	*	1	423.121	A	1
408.42606	*	17	418.10205	*	1	423.122	A	1
408.42608	A	17	418.10405	R	1	423.123	A	1
408.42609	*	17	418.10406	R	1	423.124	A	1
408.42610	*	17	418.10407	R	1	423.131	A	1
408.42614	*	17	418.10411	R	1	423.132	A	1
408.42615	R	17	418.10415	R	1	423.133	A	1
408.42616	A	17	418.10501	R	1	423.134	A	1
408.42617	R	17	418.10502	R	1	423.135	A	1
408.42618	*	17	418.10503	R	1	423.136	A	1
408.42620	A	17	418.10901	*	1	423.137	A	1
408.42621	R	17	418.10904	*	1	423.138	A	1

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423.142	A	1	423.193	A	1	423.470	R	1
423.143	A	1	423.194	A	1	423.471	R	1
423.144	A	1	423.401	R	1	423.472	R	1
423.145	A	1	423.403	R	1	423.481	R	1
423.146	A	1	423.405	R	1	423.482	R	1
423.147	A	1	423.407	R	1	423.483	R	1
423.148	A	1	423.411	R	1	423.484	R	1
423.149	A	1	423.421	R	1			
423.149a	A	1	423.422	R	1			
423.149b	A	1	423.423	R	1			
423.151	A	1	423.431	R	1			
423.152	A	1	423.432	R	1			
423.153	A	1	423.433	R	1			
423.154	A	1	423.434	R	1			
423.155	A	1	423.435	R	1			
423.156	A	1	423.441	R	1			
423.157	A	1	423.442	R	1			
423.158	A	1	423.443	R	1			
423.161	A	1	423.444	R	1			
423.162	A	1	423.445	R	1			
423.163	A	1	423.446	R	1			
423.164	A	1	423.447	R	1			
423.165	A	1	423.448	R	1			
423.166	A	1	423.449	R	1			
423.167	A	1	423.450	R	1			
423.171	A	1	423.451	R	1			
423.172	A	1	423.452	R	1			
423.173	A	1	423.453	R	1			
423.174	A	1	423.454	R	1			
423.175	A	1	423.455	R	1			
423.176	A	1	423.456	R	1			
423.177	A	1	423.461	R	1			
423.178	A	1	423.462	R	1			
423.179	A	1	423.463	R	1			
423.181	A	1	423.464	R	1			
423.182	A	1	423.465	R	1			
423.183	A	1	423.466	R	1			
423.184	A	1	423.467	R	1			
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Regulation No. 812. State Purse Supplements for Harness Horse Racing at Fairs and Pari-Mutuel Tracks, R 285.812.1 - 285.812.10 (2002-13)

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